The Journal of the Bar Association of the State of Kansas

VOL. XII AUGUST 1943 NO. 1

Published Quarterly, August, November, February and May, by the Bar Association of the State of Kansas.

$3.00 Per Annum Members $1.50 Single Copy $1.00

Address communications to John Eberhardt, 608 Fourth National Bank Building, or The Journal Publication Office, 1501 E. Douglas, Wichita, Kansas.

Entered as Second Class Matter, August 20, 1932, at the Post Office at Wichita, Kansas, under the Act of March 3, 1879.

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PRESIDENT'S ADDRESS

By CHARLES D. WELCH

Before the Bar Association of the State of Kansas

I desire to thank the members of the Executive Council for their fine cooperation in the administration of the affairs of the Association during the past year, and also the various committees. They have done a good job in their respective fields.

I want you to know that I deeply appreciate the honor of having acted as your President. I esteem it as one of the highest honors that one who loves the profession of law can attain.

Our country at this moment is faced with the most momentous crisis which has confronted it since the adoption of our Constitution.

We are now engaged in a global war, a war to the death, on many fronts. The most important task which confronts every one of the American people is winning the war.

When we remember the brutality of the Japs in Singapore, in China, their cold blooded murder of our pilots, and the ruthlessness and bestial cruelty of Germany in looting, starving, enslaving and massacring innocent citizens of those countries which they have conquered, we should realize what it would mean if we should fail to win.

Better for all of us that we be stripped of all of our possessions and lose our lives than live to be slaves of Hitler and Hirohito.

The lawyers of Kansas and of this Nation are alive to the danger confronting our country and I know I speak for all of them when I say that to the last man they are devoting themselves to doing everything they can to win the war. I know further that without exception they stand behind our Commander-in-Chief in his announcement to the Axis powers that we will not stop fighting this time until Germany and Tokio have been invaded, and until unconditional surrender.

Of the 1600 lawyers in active practice in Kansas, more than one in every four are now members of the armed forces. Most of them volunteers—many others are awaiting the call.

Every lawyer not in the armed service is gladly doing his part and giving every assistance in the war effort.

Lawyers are acting as appeal agents, serving on draft boards, assisting in bond sales, giving legal assistance to soldiers and their dependents.

They are devoting their talents and giving their time—which is their only stock in trade—without price, as a patriotic contribution to an all-out war effort.

For the details of what the Kansas Bar Association is doing to aid in the war effort, I refer you to the excellent report of our Committee on War Work, which will come before you later.

We desire now and here to go on record that the lawyers of Kansas, irrespective of their political beliefs, are supporting and will continue to support our Commander-in-Chief in every order made and in every act done which is necessary to win the war.

Before the American Bar Association held its last meeting at Detroit, its officers decided, on account of the war, that the annual meeting about to be held should be for business only, and members of the Association were warned that they were not expected to attend unless they had important business.

Before deciding on holding this meeting your Executive Council was confronted with determining whether, on account of the war, gasoline rationing, and the expense, our Association should hold only a business meeting at this time. They finally decided, after due deliberation, that it would be unpatriotic for the lawyers to quit at this time; that on the contrary, we should exert ourselves more strenuously than ever to carry on, so that when this war is over we will have a militant organization ready and able to do its part in solving the post-war problems.

Hence this two-day meeting.

Among the many benefits which come to its members from our Association, other than the usual benefits which accrue to any association of the members of a profession, it seems to me the most important are:

(1) The sections meetings which have been so ably conducted, and where excellent papers on practical questions in which the Bar are interested, have been presented and discussed.

(2) Another is our Bar Journal heretofore published under the editorial management of J. B. Patterson, and now ably carried on by John Eberhardt, both of Wichita, Kansas.

Our Bar Journal is read with interest and benefit by all of our members and is in demand by many who are not members of the Association.

It has served to keep the membership acquainted with the actions of the Association and has stimulated interest in its activities, and has advanced the standing of our Kansas State Bar Association throughout the entire Nation.

You all know that we have remitted the dues of those members who are in the armed forces. This has drastically reduced the income of our Association. It is estimated that our loss in annual revenue on this account for the past fiscal year amounts to approximately $1,000.00.

Our Bar Journal must be preserved in its present high standard. To do this presents a problem caused by our diminishing income to be worked out by the Association during the ensuing year. It must be and I believe it will be worked out.

(3) Another service which has served a practical need to our members are Legal Institutes. Those which have been held have demonstrated that they are wanted and appreciated by our membership.

During the last year, these Legal Institutes have been discontinued on account of the war and the expense.

At the last meeting of this Association held at Wichita, it was recommended by the committee, and adopted by the Association, that the Legal Institutes' program should be discontinued on account of restrictions on automobiles and gasoline rationing, and this was done, and no Legal Institutes were held under the auspices of the Association, but some Legal Institutes were held in the larger cities by the Local Associations.

I believe it is a mistake to cut out Legal Institutes. I know of no activity of the Bar which was better appreciated by the members and which renders to them more practical benefits than the Legal Institutes. They were, in my opinion, an

important aid in stimulating interest in the Association and keeping up and adding to our membership.

I believe these Institutes are more necessary now than ever before because of the changing conditions.

New and revolutionary laws are being passed; new decisions and new rules and regulations by bureaus are being handed down. It would be of inestimable value to our members if these laws, rules and regulations were discussed and interpreted by lawyers who have studied them and specialized on the subject.

I see no reason why Local Bar Associations should not hold such Institutes during the coming year. We have had and we will have no trouble in procuring able lawyers of our membership to appear before these Institutes and discuss these new laws, decisions, rules and regulations. Practically all the expense of holding them could be and I believe would be taken care of gladly by the Local Associations.

The lawyer by reason of his training and his study of the history of our Government and familiarity with laws and law making, has a responsibility to take the lead in arousing the people and reminding them of their duties to their country in the crisis we are now facing, and in building up and sustaining their morale.

Our people know that we in the United States have the highest standard of living of any people in the world; that we already enjoy the four freedoms. But do they realize that these privileges did not just come? That on the contrary they were the result of the will to fight, sacrifice, and die by those brave men and women who were responsible for the Declaration of Independence and the adoption of our Constitution proclaiming that all men have equal rights under the law?

Do all of our people sufficiently realize that eternal vigilance is the price of Liberty?

That when once obtained, Liberty must be guarded watchfully; that at the first intimation of attack, we must rouse ourselves and rush to its protection, endure hardships, contribute our property and give our lives if need be to retain this precious heritage?

Do they know that this country is now in mortal danger?

It is the duty of the lawyer to bring these facts home to them.

You may say that the people are not complaisant, that they are well advised of our danger.

But is this true?

Let us remind ourselves that although our Government knew that Germany was arming; that it had more war planes than all of the rest of Europe and the United States combined; that it had an enormous and efficient army, trained to the minute for invasion; that although Hitler had announced to the world in Mein Kampf what he intended to do — we did little about it until the treacherous attack on Pearl Harbor by the Japs to whom we had for years furnished materials for the implements of war which are now being used against us.

If our Government did not realize the true situation and prepare for attack, after viewing all these danger signals, why should not the general public believe,

"It Can't Happen Here?"

We thrill with pride when we remember the accomplishments, daring and courage of our boys at the Coral Sea, on Guadalcanal, New Britain, and the consummate strategy and superb logistics whereby the United Nations sailed 850 ships flying the British and American flags, through submarine-infested seas and landed guns, munitions, and troops in Northern Africa.

We have taken new hope after the glorious victory at Bizerte and Tunis. We extend to our ally, Russia, all honor and heartfelt thanks for its magnificent defense.

But we must remember that the war is not yet won; that Hitler has conquered and is in possession of most all of Europe, and has a large and efficient army whose fighting spirit is not yet quenched; that Japan has taken and holds most of Asia and the rich Islands of the East Indies. That Hirohito has conquered and now holds American soil; and that up to this moment we have not been able to regain a single foot of our lost territory, except the small Island of Attu.

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We have just begun not to lose the war.

Unless all the people of the United States, including labor, unite with the one and only purpose of winning the war and making every sacrifice towards that end, we may *not* accomplish *unconditional surrender.*

Our country has assumed the task of acting as the arsenal of the United Nations and on account of our inventive genius, our skill in manufacturing and the devotion of our patriotic citizens, we have done well, but not enough.

We are behind our schedule in munitions.

We must solve the menace of submarines.

It will be difficult to play our part and carry out our commitments if we continue to work here only 42.6 hours a week, while the women of England work 55 hours, and the men work regularly 60 hours, and when in Germany they put in even more hours per week than that.

But as yet we are not all united in an all-out effort to win.

A large portion of our citizens, who, although they are privileged to live in their own homes, surrounded by their families, working at their chosen jobs which they held before the war, receiving wages of more than three times that of our fighting men, have recently threatened to quit work and go on a strike — for more money.

The miners know and have been told by our Commander-in-chief, that coal is vital for our war effort; that lack of coal will delay and hamper our war efforts, will endanger the victory and will cost the lives of countless soldiers and sailors who have left their homes to fight and to die on foreign soil, to preserve our and their liberties. These men are seeking to take advantage of the critical situation of our Government in the time of war. They have placed their own selfish gains above the desperate needs of their country. They are kicking Uncle Sam in the back when they think he is down.

They justify their course by the high cost of living.

Do they think that they are the only ones who face the high cost of living? Don't they know that if their demands are granted, that it will make the cost of living still higher?

The war of today is fought not only in fox holes, but in the factories, the mines and kitchens.

In an all-out war such as we are now engaged in, all of the people—men and women —are soldiers, either of service or production, or they are fighting soldiers who meet the enemy face to face.

It is no more honorable for the soldiers of service and production to desert and stop production at a time like this, than it would be for our fighting soldiers to lay down their arms in the face of the enemy. Each is dealing with this same enemy — fighting for the same cause. Patriotism requires that each do his part. The service of each of them is desperately needed if our country is to retain its freedom. The action of these miners was inspired and provoked by John L. Lewis, who has defied the Labor Board, established by his Government to adjust and decide such controversies and defied the orders of our Commander-in-Chief and refused to obey the laws of his country, and who believes that he is stronger than our Government.

It is incomprehensible that any patriotic citizen would purposely attempt to impede our country's war effort and endanger our fighting forces as the miners are now doing — simply for more money.

Unless they see the light and adjust their controversy in an orderly and lawful manner they should be classified with Judas Iscariot who betrayed his Saviour for thirty pieces of silver, and John L. Lewis, who has provoked them to such acts, should be branded as a public enemy and treated as such.

In order to win, we must realize that this is a total war; that every citizen is involved and that every citizen must do his share — if not on the fighting front then on the home front.

Those in high places in our Government must forget politics for the duration and abandon all controversial legislation intended not to win the war, but to establish the

abundant life and so-called social gains and give their whole effort to winning the war.

In this grave crisis Congress and our Commander-in-Chief have done many things which would be unlawful in the time of peace.

They have rationed our food, curtailed our right to go from place to place, they have impaired the obligation of our contracts; they will still further regiment our actions.

As good citizens, we accept these restraints on our freedom of action when they are necessary to win the war. And we are willing to give the Government the benefit of the doubt as to the necessity.

We are in war, and to win we must do much more than salute the flag and stand when the National Anthem is sung.

It is the duty of all to unite and stand behind our Commander-in-Chief in all steps taken for winning the war.

To win will take our property, curtail our liberties and incur frightful casualties — and we are willing to pay the price.

Those who are required to give only of their property, who sacrifice only their comforts, will contribute far less than the men on the fighting front, many of whom are giving their lives.

One of the closest advisers of the President is quoted in the papers as predicting that after the war, we will have a new and better era; that probably a Board of Experts will decide whether a boy shall be a doctor, and if they decide that is permitted, then determine at what place he shall practice.

If this is accomplished, no doubt the same rule will be applied to a boy who wants to be a lawyer or machinist.

I noticed in the paper, that a member of OPA, testifying before a Senatorial Committee, stated that he used his fuel oil authority to promote his ideas of how he thought people should live. No one, he thought, should be permitted to live in a large house.

Many who have watched the trend of the enactments of Congress and executive orders, and the fiats of Bureaus, see in them a settled attempt to impose upon the people an entirely different form of Government and economy, a kind of managed society with complete control lodged in the Government at Washington.

This is what they now have in Germany.

The advocates of the new era honestly believe that our civilization has become so complex by reason of inventions, labor-saving machinery and the drift of our population to the cities, that the people can no longer govern themselves; that they are no longer competent to decide what is best, but that what is best must be decided by Government experts who will not only tell them what they ought to do, but also what they must do.

If we are not vigilant, we may win the war and lose our freedom.

But the great mass of the American people still believe that our Constitution with its Bill of Rights is one of the most profound enunciations of the rights of man and a rampart of our liberties; that it is not outmoded; that it should be interpreted as it reads; and that the precedents which have been established and recognized by repeated decisions, should be followed, so that the people may know their rights, and that it should not be amended or broken down, except by an amendment authorized by the consent of the people evidenced by their vote as provided by that instrument.

They believe that the very heart of that instrument is the separation of the powers of Government into the three different branches, the Executive, the Judicial and the Legislative, and they should be kept separate; that this principle of the separation of powers of Government is just as valid today as it was in the time of George Washington and they believe that when all these powers are vested in one man, one tribunal, or one bureau, we will then have a Government of men and not of laws, and that our liberties will be lost.

No one who keeps abreast of the times doubts that there will be many radical changes in our way of life as a result of the war. Some of these changes may represent progress.

Heavy taxes will have to be borne as long as we live. Many of the rights of the states to regulate their internal affairs, will be taken over by the Government.

When the war is ended, we will be confronted with Bureaus and Bureaucrats entrenched in power, operating out of Washington, who owe their position not to votes of the people, but to the appointing power and who exercise the power to make rules and regulations, without open discussion and debate, and without the consent of the people, with the power to execute such regulations, to order how business shall be conducted, what the people can and cannot do, regulating their daily lives and compelling enforcement of their mandates. Administering a Government of men and not of laws.

Is any one so gullible as to believe that these Bureaus will voluntarily abdicate these powers when the war is ended?

Those who have achieved the power to direct by their fiat what people eat and wear, how they shall live, what wages they shall receive, will not surrender that right without a fight.

Power once attained is hard to dethrone.

A tiger which has once tasted human blood never loses its thirst for more.

Who then, when the war is over, will lead the fight for free enterprise and Liberty?

Who but the lawyer, who has always fought for liberty and for the oppressed.

When victory has been won, and may that day be soon, I predict that the lawyers will be in the front of the fight to restore and preserve the liberties of our people and the American way of life.

THE FUNCTIONS OF THE COURTS AND BOARDS OFFICE

By FIRST LIEUTENANT ARTHUR J. STERN

Mr. President, Honored Guests, Ladies and Gentlemen of the Bar Association of the State of Kansas, please be assured that I am most appreciative of the privilege of coming here this afternoon and having this opportunity of discussing some of the work of the Courts and Boards office. Before getting into our discussion, at this time I want to express the appreciation of my fellows at the Topeka Army Air Base for the whole hearted and generous cooperation we have received from the Bar and all of the good people of this state. Civilian lawyers are truly upholding all of the rich traditions of our great profession by unstintingly giving their services to our soldiers and assisting in the solving of their often tangled legal problems.

My outlook on the position of lawyers in the present emergency, and the part that members of our chosen profession should take in national affairs, has a mixed background. We are all familiar with the time honored traditions of the legal profession and of the vital part lawyers have played in our national growth. I was fortunate in having my father born before me, and this is not an attempt at being facetious. My father was a lawyer, and he enjoyed a splendid reputation throughout my home state, Ohio. He was a great believer in lawyers making their services available to the entire public, especially in times of emergency. With all of these teachings, I practiced law in Cleveland until I enlisted in the army in 1941. My schooling was of much aid in making progress, and in learning some of the problems of the average soldier. After earning my commission at OCS, last August, my civilian training was put to work, when I was assigned to the Topeka Army Air Base. An additional duty of mine until November, 1942, was Defense Counsel for the Special and General Courts-Martial convened at the Topeka Army Air Base.

Gentlemen, my experience with courts-martial began in April, 1942, when I had the privilege of witnessing a trial by special court-martial at Maxwell Field, while I was a Private assigned to work on court-martial records. My reactions were those of the average civilian, who was totally ignorant of court-martial procedures and practices. Since that first trial, I have never lost sight of the means of safeguard afforded an accused and which will be noted during this talk.

In November, 1942, the Courts and Boards office was created at Topeka Army Air Base, with three lawyers in charge, and after the need for centralized legal assistance was appreciated. Although our chief function is not court-martialing, a substantial portion of our office work involves the processing of court-martial charges and the investigation of possible violations of military law.

There is a splendid article in your Bar Journal for May, 1943, on page 309, by Colonel Archibald King, comparing military and state courts in criminal cases. Colonel King has stated the essential differences, and I refer you to his discussion.

As in our State and Federal courts, there must be an authority for the creation of a judicial system. Congress, in the Articles of War, enacted in 1920, established a system of courts for the military service and prescribed rules and regulations for the operation of these courts, and established certain offenses which shall be tried by the Army Courts. As is the case in the American Jurisprudential System, there are no common law crimes recognized by the Army, but instead, a crime, to be cognizable in the military tribunal,

must be made a crime by statute, namely, the Articles of War. Several offenses are not defined by the Articles of War, but the elements are established by the common law, as well as by traditions and customs of the service and precedents established by opinions of the Judge Advocate General. Among these offenses we find disobedience of a lawful order of a superior officer, where the customs of the service provide the elements and basis of the crime. Another article of the same nature is the 92nd Article of War, making murder and rape a crime, but not defining either of these two offenses. Another crime is desertion, although the 58th Article of War does not state what shall constitute desertion. The military tribunal, and persons charged with administration of justice, look to the common law for the elements of crimes not defined by the Articles of War.

The Articles of War have created three courts for the trial of offenses, as well as, providing for a fourth and oftentimes very practical means of dealing with offenders. Let us look at the last mentioned method, namely, Company or Squadron punishment prescribed in the 104th Article of War. The primary function of this Article and means of punishment is to afford a first offender, who has not committed a serious violation, an opportunity of being punished by his squadron, or company, commander, without having any record of that trial in his service record, and consequently, no black mark against his good conduct and character. The mode of punishment is set out by the 104th Article of War as follows: "The disciplinary punishment authorized by this article may include admonition, reprimand, withholding all privileges for not exceeding one week, extra fatigue duty for not exceeding one week, restrictions to certain specified limits not to exceed one week and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard," or in the case of officers, in time of war or grave public emergency, a Commanding Officer of the grade of Brigadier General or higher, may impose upon an officer of his command, below the grade of a major, a forfeiture of not more than one-half of such officer's monthly pay for one month.

Of course, there is an appeal to the next higher authority, in which event an investigation will be made and injustice, if any, repaired. The chief function of this form of punishment, so far as I can determine, is to afford the soldier a highly personal handling of his individual case, keeping it within the family, and to give him an opportunity to be a good soldier without any blemishes on his record. It is a source of pleasure for me to report that squadron punishment is the chief mode of discipline resorted to by the armed services whenever practicable and that it does serve a useful purpose. As proof of that, let me cite the case of one squadron at our base which was bothered with a number of the boys going absent without leave on pay day. They were gone a few days and upon their return they were punished pursuant to Article of War 104 and given extra fatigue duty and restricted to the limits of the base for one week. The fatigue was most tiring and the last pay day all men reported on time.

The next courts-martial discussed are courts of record, and their action, in the event of conviction, is entered in the service record of the individual soldier and becomes a part of his personal records, following him throughout his current enlistment. The value of this record will be shown when we discuss procedure after convicting and before sentence is pronounced. The Summary Court is the lowest courts-martial authorized. It is composed of one officer, appointed by the Commanding Officer of a garrison, fort, camp or other place where troops are on duty. The jurisdiction of the Summary Court is limited, in regard to punishment, as follows: "Summary Courts-Martial shall not have the power to adjudge a confinement in excess of one month, restrictions to limits for more than three months, or forfeiture or detention of more than two-thirds of one months pay." In the event a non-commissioned officer objects to trial by summary court, he shall not be brought to trial before that tribunal without approval of the officer exercising general court-martial jurisdiction. The following are specifically exempted, by Article of War 14, from trial by Summary Court-Martial: Officers; members of the Army Nurse Corps; Warrant Officers; Army Field Clerks; Field Clerks, Quartermaster Corps; Cadets, and soldiers holding the privilege of certificate of eligibility to promotion,

for any crime or offense not capital, made punishable by the Articles of War. The latter exception holds good for the peace time army. Usually Summary Court Trials are for less serious offenses and are resorted to when it is deemed that squadron punishment will not suffice, and yet the offense is not so grave as to warrant as severe punishment as is authorized to be administered by a Special or General Court. The procedure is relatively informal, there is no Trial Judge Advocate, nor is there a defense counsel provided. The Summary court officer is usually of field grade where available, and is a man who has matured sufficiently to properly handle the cases brought before him. The soldier being tried has all of the privileges and immunities that are his in all military tribunals. There is no transcript of the proceedings, but instead, the Summary Court Officer makes specified notations on the charge sheet, stating whether he has explained the nature of a plea of guilty and the rights of the accused, and whether the accused made a statement and what action he has taken. After the trial, the charge sheet, with the entries referred to, is signed by the Summary Court Officer and returned to the appointing authority for approval or disapproval. When the sentence is approved, the appointing authority also signs the charge sheet and an order approving the sentence and the papers are then forwarded to the officer exercising general court-martial jurisdiction over the command. The Summary Court has been very appropriately compared with the Justice Court or the Police Magistrate Court.

Next in the ladder of military tribunals, as far as the army is concerned in the administration of military justice to soldiers, is the Special Court-Martial. This court is appointed by the Commanding Officer of the Base and is composed of not less than three officers, according to Article of War 6. There is a Trial Judge Advocate and a defense counsel appointed. Every effort is made to secure the services of duly licensed lawyers to serve in these latter two capacities. The jurisdiction of this court is considerably increased over that granted to a Summary Court. Special Courts-Martial have power to try any person subject to military law for any crime or offense, not capital, made punishable by the Articles of War. The President is authorized to except certain classes from this jurisdiction, and accordingly, has excepted officers, warrant officers, and cadets f rom jurisdiction of the special court. The court has authority to adjudge confinement not to exceed six months and forfeiture of not more than two-thirds pay per month for a period not exceeding six months. There is no requirement that a transcript of the proceedings be made, but a narrative report of the testimony and proceedings of the court is required to be furnished to the appointing authority for approval or disapproval of the sentence and action of the court, and it is, in turn, forwarded to the officer exercising general court-martial jurisdiction, for review. There is no requirement that charges be investigated prior to reference for trial, but experience has demonstrated that the accused is afforded more opportunity for defense by such investigation, and accordingly, it is the practice of our base to investigate Special Courts-Martial cases prior to their reference for trial. This investigation is conducted by an impartial officer in the presence of the accused and the procedure will be discussed. The trial is formal. The accused is present with his defense counsel, and is afforded ample opportunity to confer with his defense counsel prior to the trial. The court speaks through the President, who is the senior officer in rank of the officers present. Witnesses are called in the accepted order, prosecution has the opportunity of making an opening argument, calling its witnesses, and the witnesses are subject to cross-examination. After the prosecution rests, the defense call its witnesses, who are also subject to cross-examination, and the accused is afforded an opportunity of making one of the two accepted forms of statements or of remaining silent, in which latter event, no inference can be drawn as to his innocence or guilt. Members of the court are afforded an opportunity to interrogate the witnesses, and the accused, in the event he elects to make a statement. The court has the authority to call witnesses of its own or to recall witnesses who have already testified in the hearing. Except in rare cases, spectators of military personnel are permitted to be present during the trial at the discretion of the President of the Court. The trial judge advocate is charged with the responsibility of seeing that the court is provided with necessary facilities, such as pencils, paper, and an adequate place for holding the trial. He is also charged with the responsibility of

seeing that the accused has had ample opportunity to prepare his defense and to secure witnesses in his behalf. Stipulations as to evidence are authorized and encouraged. The Special Courts-Martial is appropriately likened with the County Circuit Court or a Federal District Court sitting in criminal session.

The General Court-Martial is the top court of the Army with jurisdiction extending to all persons subject to military law and with the power of imposing a sentence of life imprisonment, or, in certain specified cases, the death penalty. A general court is usually appointed by the Commanding Officer of an Army Corps, Division, or Brigade, as well as, other cases specified by Article of War 8. It consists of any number of officers not less than five. One of the members of the court is detailed as law member, usually a member of The Judge Advocate General's Department, when available. Lawyers, who are officers, are frequently detailed to this assignment. There is a trial judge advocate and assistant trial judge advocate, as well as a defense and assistant defense counsel appointed by the officer appointing the court. There is a verbatim transcript of the record and the usual procedure of a court. The accused is again afforded numerous safeguards and opportunities to present his defense. The accused is afforded the opportunity of obtaining a copy of the record of the transcript of the proceedings without charge to him. Trial procedure, in other respects, is the same as that in the Special Court-Martial. A reporter is authorized and sworn, along with the other members of the court.

Let us next look into the procedure of trial. Before the court is sworn, the prosecution states the essence of the charge, the accuser and authority for trial. Any member of the court who knows of any reason that he is disqualified, is then afforded the opportunity of being excused. There are unlimited challenges for cause to each side and the prosecution and defense have each one peremptory challenge, against any member but the law member of a general court-martial. At the trial, the accused is advised of his rights in open court and is afforded the opportunity of making a sworn statement which follows the usual pattern of examination and cross-examination. Military tribunals, also, recognize an unsworn statement, which the accused is not under oath and is not subject to cross-examination by the Trial Judge Advocate. Of course, he has the right to remain silent. His character cannot be placed in issue, unless he himself does so. When both sides have rested, the court is closed, all persons, but the members of the court, leave the room, whereupon secret written ballot, members voting according to rank, the Junior member in rank voting first, decide the issue of guilt or innocence. Be assured that an acquittal is possible in a court-martial trial. In the event the accused is found guilty, the court is opened and the trial judge advocate is called upon for evidence of previous conviction, which must be by court-martial within the current enlistment and within the past year, and to read the personal data from the charge sheet, such as full name, grade, serial number, organization of the accused, his age, pay and allotments, data as to service, and data as to restraint of the accused pending trial. The accused is afforded an opportunity to offer objection and make such corrections as he deems necessary. The court is again closed and determines what punishment shall be administered. There is a guide to punishment, known as the Table of Maximum Punishments, and it is reproduced in the Manual for Court-Martial and prescribes certain specified limits of punishment. The maximum of this table is mandatory and cannot be exceeded. It requires at least two-thirds of the members present to concur in the finding of guilty and in the sentence, except in death cases where a unanimous decision is required. After the court has reached its decision, the court is opened, sentence announced and then the transcript of the record is written and forwarded to the appointing authority, who reviews the proceedings and publishes an order approving the sentence as pronounced by the court, or he may cut it down or order a retrial, as he sees fit. The reviewing authority is not authorized to set aside an acquittal. Double jeopardy is prohibited in courtmartial as in civilian courts. The accused is privileged to obtain counsel other than the regularly appointed defense counsel, at his own expense. Depositions are authorized and their use is explained by the Articles of War. The rules of evidence of civilian courts are adopted and made a part of court-martial procedures.

Investigation of charges is done by an officer, other than the accuser, and all witnesses are interrogated in the presence of the accused, who has the opportunity of cross-examining witnesses, as well as, presenting witnesses in his own behalf. All witnesses are sworn. The investigation is referred to the appointing authority, who recommends trial by the court, which he feels administers the proper punishment under the circumstances as disclosed by a full, complete, and impartial investigation.

In addition to my other duties, I am Base Legal Assistance Officer, appointed pursuant to War Department Circular No. 74, 1943. In this capacity, military personnel and their dependents having legal problems are encouraged to come to our office and seek advice from lawyers, and in the event court action is required, or, in the event that we do not have the facilities to properly handle the matter, civilian lawyers, who have volunteered their services, are consulted and take the matter over from that point. Of course, the civilian lawyer is expected to make his own arrangements with his clients for compensation, for his services, in the event he deems the situation warrants a fee.

Aside from the courts-martial, a good deal of the work in the Courts and Boards office consists of the investigation of accidents and negligence claims. Whenever a government vehicle is involved in an accident, and more than $25.00 damage is done to that vehicle, or, if civilian property or persons are involved, a report is made by the driver of the government vehicle, on the prescribed form, and submitted through channels until it reaches our office. Statements are obtained from all parties and a report is then written for submission to the Commanding Officer, who has the power of approval or disapproval, and then submitted to the Commanding General of the service command. Negligence claims are also heard and determined by the Courts and Boards Officer, who is Base Claims Officer. This hearing is an informal hearing, with a record of testimony transcribed and included with the report of the Claims Officer. In order to hold the soldier driver of the government vehicle pecuniarily liable for negligence, it is incumbent that willful negligence, rather than simple negligence, be proved. Of course, in the event negligence is proved against the government, regardless of the degree, and in the event that no contributory negligence on the part of claimant be proved, the claim is allowed by the Claims Officers and submitted to the reviewing authority. A condition precedent to the approval of a claim, is an agreement on the part of claimant to accept the amount claimed, or any other amount allowed or adjudged to him in full satisfaction of all claims. Line of Duty Hearings are also conducted by the Courts and Boards Office to determine whether soldiers, who have been injured, or killed, sustained those injuries while performing their duties as a soldier and without negligence on their part. This negligence must amount to that degree of negligence which will show that the soldier failed to exercise reasonable care for his safety, while in the performance of the act or acts resulting in injury. Reports of Survey are also handled by our office. When government property has been lost or destroyed in the public service, or alleged to have been so lost or destroyed, the responsible or accountable officer submits a request for survey of the item, and thereby institutes the procedure to determine the circumstances surrounding the loss or destruction of that item, and, also, whether financial liability shall be assessed against any individual, or whether such persons will be relieved from such financial responsibility. Oftentimes there are legal questions arising as to responsibility and procedure in regard to subrogation.

As members of the legal profession, we have all been striving to maintain free courts that have no strings and are able to administer justice. The army has continued that purpose, and affords military personnel a fair trial and an assurance of a full and complete hearing without deprivation of any of their civil or personal rights. We, in the service, are well aware of the efforts of the government to provide assistance to military personnel and their dependents. Democracy and the American principles are functioning today during this great emergency, even in our armed forces, thereby assuring all of us that the very ideals and principles for which we are fighting are inherent, even in total war.

Again I want to thank you for the assistance and cooperation which you have given to us, as well as to thank you for the privilege of being here this afternoon.

A TRIBUTE TO KANSAS LAWYERS IN THE ARMED SERVICES OF THE UNITED STATES

By JUSTICE HUGO T. WEDELL

Before the Bar Association of the State of Kansas

It is a genuine joy to respond to that invitation. First, because my heart is in the assignment; second, because I know so many of these men personally and intimately and hear from them so frequently by letter or postcard; third, because I believe the public does not realize the tremendous, the perfectly marvelous contribution the legal profession is making to the cause in which we are now engaged.

Whatever criticism, just or otherwise, that has ever been directed to the legal profession, never in the history of this nation have the members of this profession been found derelict in response to the call of their country in time of war. That response has been prompt, spirited and complete. That assertion requires no argumentative support. The indelible record, the history of our nation, tells that story in heroic and glorious terms of able leadership and unstinted sacrifice.

Today, in this hour of peril and challenge, the story of the unquenchable patriotic spirit of the legal profession is exactly the same as it has always been in the past. That story stands as a great tribute to the legal profession.

Today there are approximately 2,000 licensed lawyers in Kansas including those not engaged in the active practice. Four hundred forty-two of that number are known to be serving in some branch of the land, sea or air forces of this country. This is a remarkable fact when we consider that many members of the profession are above the draft age.

It is doubtful whether there is any other profession, unless it be the medical profession, that can equal this record.

Many of our men are engaged in active fighting. Others are performing perilous tasks from which some of them, in all probability, will not return.

Some of our members gave up a very good and lucrative practice and they did it voluntarily.

Some of them enlisted as private soldiers for which the remuneration is not sufficient to maintain their wives and certainly not their wives and children.

Some of their wives are engaged in unaccustomed and difficult tasks providing shelter and food for themselves and their little ones. To those wives and those mothers, unsung but real heroines, this Association offers its most sincere tribute today.

There are several other groups of highly patriotic lawyers whom I just cannot overlook. It is that group of men who are serving genuinely and valiantly on the home front on state and national projects so highly essential to a successful prosecution of the war. There are those lawyers at home who are doing double or treble duty in their offices by reason of the enlistment of others from their offices. There is also that group of lawyers who for patriotic reasons have accepted and are discharging with credit and honor the duties and responsibilities of city and county attorneys for the duration. To these lawyers, acting in the spirit of patriotic service, this Association extends its gratitude and best wishes.

Of course, primarily and particularly, we bow in honor and tribute today to those members of our profession in the armed forces who cannot be with us in person on this occasion. This we do in deepest sincerity. Their conduct is not mere lip service to their country, to its government or to its free institutions. Their conduct is nothing less than a demonstration of their complete willingness to surrender everything — ALL — in order to preserve what we Americans cherish and hold most dear. It is only by means of the existence of such a spirit and by its realistic application in war and peace that America and all it represents can be preserved.

Francois Guizot, the French philosopher, historian and prime minister, once asked James Russell Lowell, noted author and poet, "How long do you think the American Republic will endure?" Lowell replied, "So long as the ideas of its founders continue to be dominant."

If there is any one single thing that recent world events demonstrate beyond peradventure of doubt it is that the American Flag will remain with us always providing we *make* it stay. To those of our profession who today are making it stay, we do honor. May God in his infinite wisdom and mercy bless them and keep them wherever they may be at this hour and to the end of the war.

THE KANSAS LABOR LAW

By SENATOR JOHN ETLING

Before the Bar Association of the State of Kansas

The Kansas Labor Law didn't "just happen." I think it may be categorically stated that there was a general demand for it; not for the specific law ultimately enacted, to be sure, but for some legislation on the subject of labor control and union regulation.

But why this demand and what was the basis for it. Answers to these inquiries should be helpful in understanding the public viewpoint.

At first blush it might seem strange that such a demand should come in Kansas, chiefly an agricultural state and reasonably free from so-called "labor troubles," but it did come unmistakably and insistently, and we think, with reason.

Labor unions are not new even in Kansas, but they have recently taken on a new importance. Long before Pearl Harbor the eyes of Kansas were turned toward industrial development and the Kansas Industrial Commission had been successful in stimulating more than a mild interest in the state's natural resources and its possibilities as an industrial area. Then came the war and we suddenly found ourselves in the midst of unparalleled industrial growth and development. Along with the new and enlarged war industries came the new war construction projects. This story is too well known to need repeating, but with it all came new and increasing demands for more and more man power. Young men, by the thousands were entering the armed forces, jobs were plentiful, help scarce, and wages good — so good in fact that the farm and little business could not compete with the war projects and industries in the labor market. Quite naturally the farm laborer, and in many instances the farmers themselves, merchants, clerks, mechanics, carpenters, brick layers, plumbers, in fact men and women from all walks of life sought and obtained employment in these new fields. For the most part, these people had only a passing acquaintance with labor unions. Now they received a formal introduction which rapidly became an eye, ear, nose and throat acquaintance and the union took on more meaning to more and more families. Hardly any were left untouched, directly or indirectly. So for the first time they became "union conscious" and they thought about it, talked about it, read about it and examined it. They examined it from inside and out — in relation to their own personal interests and in relation to the public interest and general welfare. In their examination of the outside they thought of strikes, boycotts, picket lines, and other outward acts of the union. No, they hadn't much, if any experience along these lines, but they were familiar in a general way at least, with the experiences of other and older industrial states and they realized that "it can happen here." They remembered too that we have a war to win; that our boys were fighting in all parts of the world; that fighters need food, ships, planes, tanks, guns, munitions and supplies of every kind. What heretofore was only a news story of a strike in Pennsylvania, with resulting loss of production, now became a matter of personal interest and concern to the thousands of homes from which men, women, boys and girls had gone out to war to fight and, if need be, to die for democracy and all that it stands for. The battle between the union and management or union against union, for a principle not too well defined, while people were sacrificing and paying through the nose, does not make a pretty back drop against which to view the whole scene. So they thought of strikes and liked them less and less, even to the point of being willing to outlaw them. And they thought of picket lines and the oft attending violence. And they wondered too, whether the membership initiated them or whether the membership was controlled by the union leaders. They observed that the leaders threatened and called strikes without consulting the membership; that the "grievance" furnishing the basis for the strike was often discovered by highly paid leaders and officers before the membership had imagined it to exist. The right to strike is one thing and when, how, why and by whose authority is something else again. And they must have thought too, if one man may, without let or

hindrance, dictate the conduct of thousands and hundreds of thousands of men, even in defiance of the legally constituted authority, some regulation is indicated, to put it mildly. Such a condition does not mesh with the public's idea of democracy.

The public also became acquainted first hand with the closed shop — probably the most controversial issue between labor and management in the United States today. When a business operates under a closed shop agreement, it simply means that no one can secure employment in that business unless he already belongs to or joins the proper union having jurisdiction. It is significant that union membership comes first and the job second, if at all. The closed shop principle obtains in practically all Kansas War construction projects. The union furnishes the labor and has the final word as to whom the management may employ. This, to the general public, is the direct antithesis of free enterprise. It is the foundation for labor monopoly, absolutely controlled, and puts labor as much at the mercy of the union officials as unorganized labor ever was at the mercy of management. There is no need to enlarge upon the subject here for the reason that the Kansas law does not pretend to deal with the closed shop principle. It is mentioned as one aspect of labor union philosophy which does not accord with the Kansas point of view and because, more than anything else, it focused attention of the general public on union organization and conduct. Whatever may be said about the duty of the working man to join the union if he would have the benefit of union wages and hours, it still smacks of being required to purchase a job or pay for the privilege of working on the one hand, and unwarranted interference with management on the other. It is a "big stick" in the hands of labor's managers which may be used on business and labor alike.

Nor did the sit-down strike and destruction of property by pickets and strikers escape the public notice. Trial by combat belongs to another age, and in Kansas, while zealous for human rights, we have not entirely lost sight of property rights. We still believe that both may and ought to be protected. Surprisingly enough, unions were not responsible for their actions. The employer can be sued but not the organization with whom he must contract.

These outward manifestations of union activity are not charged to the membership of the unions — but are charged to union management and control and naturally invited more careful scrutiny of the union from within. Here we are concerned with the financial affairs, admissions to membership, elections and the like. Whether initiation fees, dues and cost of work permits were excessive or not, it was obvious that the flow of cash into union coffers was considerable. The duty of union officials to account for the money seemed vague. The possibility of discrimination seemed evident. So too in the matter of membership. By exclusion or expulsion men might be deprived of their livelihoods and such control of membership provided the dictatorial labor leader with the strongest possible weapon for perpetuating himself in office. When the membership is controlled, elections, if held at all, can't be free. It adds up to nothing less than absolutism.

No pretense is here made to delineate all the charges, practices, suspicions and possibilities of union abuses. Neither is intended to be said that the abuses suggested are common to all unions nor to be said that some are practiced by every union. There are good unions and bad ones, predatory and otherwise. It must however be admitted that without regulation of any kind, the possibility of abuses is not, in the face of experience, too remote to warrant governmental concern.

The public was becoming more and more aware of the tremendous influence the unions have over business management and labor alike. They were taking on, more and more, the aspect of big business and something separate and apart from labor itself. Nothing better demonstrates this than the ruthless competition between labor organizations for the same job and the prevalence of jurisdictional disputes. The unions fight with one another more than with business but the effect, so far as the public is concerned, is the same. Here, then, is the union, with great powers, standing between labor, the man who works, and business, and necessarily charged with great duties and responsibilities. Is it any wonder that the public should exact a high standard of this trusteeship. The wonder is that the unions themselves do not welcome fair regulation in the

interest of public confidence. The public has not lost confidence in labor but, I think, the public's confidence in labor's managers has been seriously shaken.

"Familiarize yourself," said Lincoln, "with the chains of bondage and you prepare your own limbs to receive them. Accustomed to trample on the rights of others, you have lost the genius of your own independence."

Senate Bill No. 264 has been the subject of both high praise and scathing denunciation. In some quarters it has been referred to as a model law. It has been assailed as vicious, unfair and burdensome to labor and violative of the right of free speech and other constitutional guarantees.

Technical analysis and constitutional questions are not within the scope of this paper. Some reference may be made to specific provisions but we are more concerned with the general policy of the law.

As we have already pointed out, unions are public institutions with responsibilities to the public, and society in general has not only the right, but the duty to see to it that they are fairly and democratically managed. It is upon this basis, it seems to me, that the Kansas Labor Law requires the holding of elections, and provides for a secret ballot. It is upon this basis that the unions operating in Kansas are required to register with the Secretary of State, to file their constitutions and by-laws and schedules of initiation fees, dues, assessments and other charges, and to make annual financial reports, including a statement of salaries, wages, bonuses and other remunerations paid. It is upon this basis that charges in excess of the registered rates are prohibited. All this is to simply say that it is the policy of the law in Kansas that members of the union shall still be free men and unafraid, that they shall be treated with equality, and without discrimination, and are entitled to know where their hard-earned dollars go. It is difficult to see how labor is adversely affected by such regulation. This type of regulation is no different than that of banks, insurance companies and other corporations.

A part of the act deals with the business agents which are defined as those acting for a labor organization in the issuance of memberships, authorization cards, work permits or other evidence of rights granted or claimed in or by a labor organization, or who solicit or receive from employers rights and privileges for employees. The law requires that the business agent be a citizen of the United States and that he produce authority from the labor organization to act for it. This has been severely criticized as undue interference with the internal affairs of the union practices in connection with issuance of membership cards and the like. The purpose of licensing of the business agent obviously is to fix responsibility. Whether the law should conform to practice or practice conform to the law is a question not within the scope of this paper.

The provisions of the law dealing with outside conduct of the unions and their activities have to do with strikes, picketing and the like. These things are definitely matters of public concern. The propriety and necessity for regulation here was well stated by Mr. Justice Frankfurter in the opinion in the case of Carpenters and Joiners Union v. Ritter's Cafe, 86 U. S. (Law Ed.) 1143, as follows:

> "The economic contest between employer and employee has never concerned merely the immediate disputants. The clash of such conflicting interests inevitably implicates the well-being of the community. Society has therefore been compelled to throw its weight into the contest. The law has undertaken to balance the effort of the employer to carry on his business free from the interference of others against the effort of labor to further its economic self interest. And every intervention of government in this struggle has in some respect abridged the freedom of action of one or the other or both."

In the same opinion it was further stated:

> "The right of the state to determine whether the common interest is best served by imposing restrictions upon the use of weapons for inflicting economic injury in the struggle of conflicting industrial forces has not previously been doubted."

Senate Bill No. 264 recognizes the right to strike, the right to picket, the right to organize and to bargain collectively through representatives of labors own choosing. In the public interest some restrictions upon the exercise of these rights are imposed such as the prohibition against picketing beyond the area of the industry in which the labor dispute arises, or picketing the domicile of an employee, or picketing by force and violence. That these are reasonable restrictions and in promotion of the public welfare will surely not be doubted. In other words, the rights ever claimed by labor are secured to it by the law, only the right to exercise these rights oppressively is denied.

I feel sure there was no thought on the part of the Kansas Legislature to injure labor or to destroy the union; certainly the law is not designed to accomplish either. The need and value of union service is not questioned. It is fully appreciated and amply protected. Labor is not required to yield a single gain made in all history; the bargaining power of organized labor is in nowise curtailed or diminished. Maybe the Kansas law is not the best of its kind, nor yet the worst. With whatever imperfections it may have, it nevertheless constitutes an adoption of policy of union regulation in the interests of the public welfare without injury to anyone willing to so use his own that he does not injure another.

SHALL LAWYERS COOPERATE WITH AND ALLOW OTHER BUSINESSES SUCH AS TRUST COMPANIES, ABSTRACTORS, BRIEF PRINTERS AND ACCOUNTANTS TO USE ADVERTISING FOR THE ADVANCEMENT OF THE LEGAL PROFESSION?

By GROVER PIERPONT, *of the 18th Judicial District*

Since writing Fireside Chats, Robert M. Clark of Topeka, Secretary of our Bar Association, has placed in my hands through Robert E. Russell, Chairman of the Committee on Public Relations, replies which he received to a letter sent to the bar of Kansas asking an opinion on advertising as indicated in the title above set out.

Mr. Clark has evidently stirred up a great deal of interest judging from the great number of letters contained in the file. Without counting them, my guess is that at least three-fourths favor his suggestion. However, some oppose and very strongly oppose the suggestion.

Mr. Clark has asked me to comment on this matter. The best way I know of doing it is to make a brief statement of the proposition and present to the bar excerpts from some of these letters. However, I cannot give you the names of the authors as I have not time to write to obtain their permission.

You will recall that Mr. Clark sent you what he called a "tear" sheet from an advertisement carried in Topeka papers by a Topeka trust company. This sheet and others carry such headings and statements as the following: "Have your lawyer draw your will. His words are true expression of your wishes and you are assured that your estate will be handled and distributed in the manner you desire. It may be necessary and advisable to change your will because of changing conditions of today. When these occasions arise, see your lawyer." Also, "You should make your will, certainly . . . but let your lawyer write it. Nothing can give reality to your wishes except your will. Nothing can give certainty to your will except the training and experience of your lawyer." Also, "When your lawyer draws your will, you are assured that your estate will be distributed and handled in the manner you wish."

Of course, these advertisements are accompanied by the advertisement of the trust company stating its own purposes.

It is the old, old question: Shall the lawyer continue in the footsteps of the past or shall he streamline his business to the advancing present?

Now I am going to give you some of the replies made:

From an eastern Kansas lawyer, "But if we continue with our archaic and antiquated methods of doing business and remain in our secluded and cloistered shells, we will be known to the next generation as the 'lost profession.' "

From a western lawyer we receive two objections, first that it will not educate the public; second, that such a plan will infringe upon the rules of ethics.

A younger lawyer in a large city writes one of the most complete and illuminating statements of the entire proposition. He believes that lawyers have been standoffish and have refused to cooperate with professional men in other lines of business and have failed to take advantage of the help which accountants, auditors and trained men could give them by such cooperation. He says, "In my opinion a tax problem can be much better handled for a client by the close cooperation of an expert tax accountant and an expert lawyer than the matter can be handled alone by either the lawyer or the expert tax accountant." He says that instead of damning everybody else who because of expert knowledge are ahead of lawyers, we should throw in with and cooperate with reputable business organizations who have a place in the modern picture, and further states: "If we, as lawyers, have to survive by charging people for incompetent advice

because we feel that a certain category of business falls under the supreme court's definition of practice of law, we are in my opinion certainly headed for doom and failure as a profession."

From a county seat town: "The bar has been too reticent in letting the general public know its real value."

From another large city: "I think such advertisements should be encouraged by our bar association being definitely in the public interest as well as drawing people's attention to the necessity of employing lawyers to draw their wills. This is a splendid piece of constructive work."

From a western city: "A great many people do not understand the many services that the lawyer can render to them besides just trying a lawsuit for them, and if the association can institute means of getting this information to the general public without doing violence to the ancient canons of one of our most honorable and serviceable professions, it may be doing a needed service to the members of the profession and especially to the struggling and uninfluential ones."

From a mid-Kansas smaller city: "That an appropriate ad be gotten up for banks and other institutions in these smaller communities along the same lines as per your enclosure."

From a big city: "A skunk is a skunk even if you call it a civet cat. If ethics are to have any controlling force in the profession, we must not sidestep the issue by making it 'Institutional.' . . . What we need is better lawyers or limit them to doing such things as they know how to do. And we don't need lawyers for probate judges."

From northeastern Kansas: "Why should we get behind anything that will knock us out of what little money-making business that is left?"

From the Kaw River section: "It seems to me that this is a most excellent service. I have been amazed in one or two instances within my personal practice in the past few years by the extent to which otherwise smart people read articles and excerpts from newspapers and magazines and undertake on the strength of them to prepare their own wills."

Eastern Kansas: "I am almost convinced that the legal profession, if it ever attains to its proper status in the social strata, will have to do it upon its own initiative and independently of other vocations or other institutions."

Northwestern Kansas: "Institutional advertising would, I hope, tend to eliminate considerable present advertising that the scrupulous, ethical lawyers do not like to engage in, yet it has not sufficient tabu in Kansas to stop it."

A city of eastern Kansas: The writer says that he is an attorney for an abstract company and great care should be taken in the advertising so as not to make it appear that the advertiser is boosting his own lawyer.

Central western Kansas: "Such an ad would be wholesome as a matter of public policy, and in spite of the fact it probably would not be beneficial to the majority of the ———————— lawyers, I would be in favor of it."

North central Kansas: "It is my opinion that public relations of lawyers should be developed through the press. Few people have knowledge of the lawyer's field and operations and the service he renders. This method should aid in that regard."

From the Capital City: "I can see nothing unethical or improper in any way in the advertisement of the trust company which you enclose."

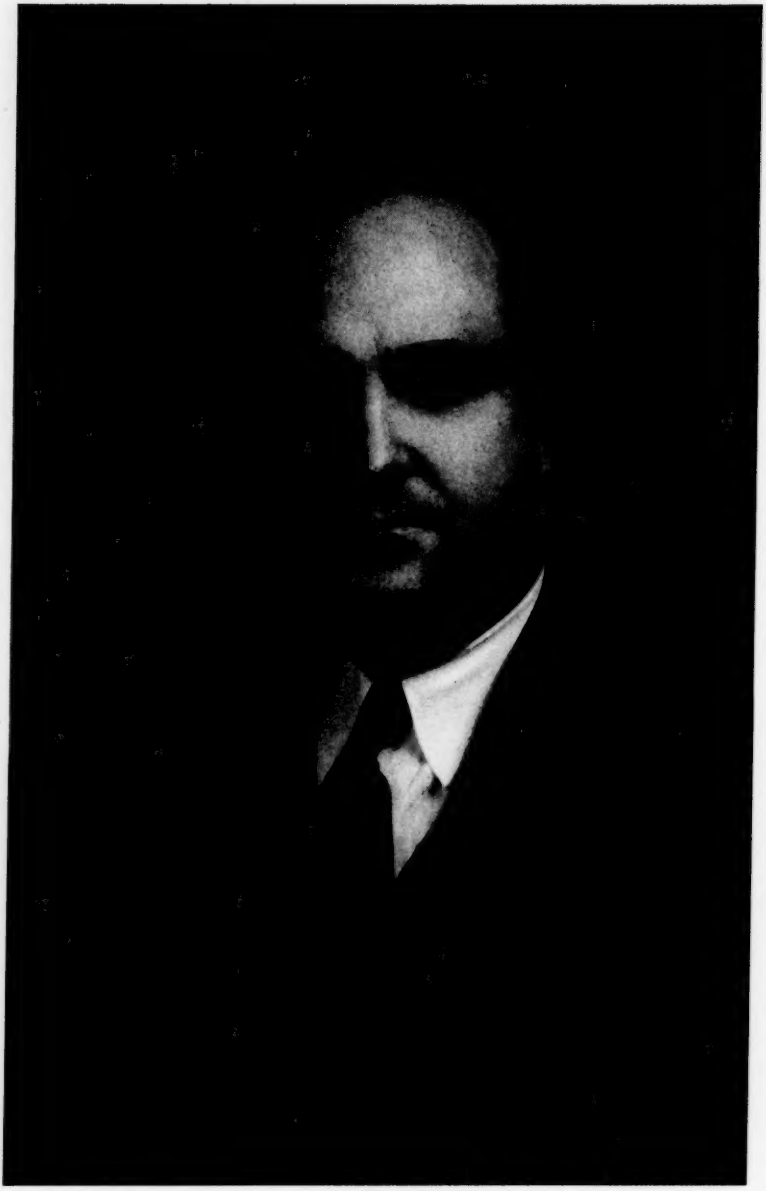
South central Kansas: "Good work! Good will between the public and lawyers badly neglected. Such ads help very materially. Doctors use it constantly in insurance ads and so forth."

As usual among lawyers, we find a divided opinion. We find fear of loss of business in some sections and hope of increased business in others. Throughout the correspondence runs an idea that the legal profession is not understood by the general public. Most lawyers will agree that that is a sound statement of fact.

It occurs to me that the entire question hinges on the proper use of the advertising with careful supervision by the committee in charge. Nothing of a positive nature was

ever done that did not bring about some criticism. It is quite likely that if a matter is successful that those now most critical will be most enthusiastic after the work is well in hand.

Lawyers go to the greatest extremes in securing personal mention in newspapers, that is, some lawyers do, and never overlook an opportunity to get before the public believing it will benefit their business and, after all, the legal profession today is more than ever a business. Instead of a lawyer sitting down with his books, poring for days over a twenty-five dollar lawsuit, he must find new business of profitable nature in order to pay his office rent, his stenographer and general upkeep. To fail to let the public know what his business is and how he does it is to allow other organizations to take that business away from him without a struggle. The law of the survival of the fittest is still the law, and the old saying that the Lord helps those who help themselves is still as good as the day it was first made. So why not allow the committee to try the new suggestion?



EVERETT E. STEERMAN, EMPORIA

President-Elect

The Bar Association of the State of Kansas

RECORD OF THE PROCEEDINGS

SIXTY-FIRST ANNUAL MEETING OF THE BAR ASSOCIATION OF THE STATE OF KANSAS.

The Sixty-first Annual Meeting of the Bar Association of the State of Kansas was called to order at 2:00 P. M., in the Roof Garden of the Hotel Jayhawk, Topeka, Kansas; Mr. O. B. Eidson, President of the Topeka Bar Association, presiding:

MR. EIDSON: The first necessity encountered at any convention is to have a Greeter. I have appointed Mr. Barton E. Griffith, of the Topeka Bar, to that task, and we will now hear from

MR. BARTON E. GRIFFITH: Members of the State Bar Association: The members of the Bar of the City of Topeka look forward to this date. We meet in Wichita in the even numbered years, and early in the odd numbered years we in Topeka begin to look forward to the annual meeting in Topeka. We know, of course, that these are unusual times, and we cannot give you all the things in the way of entertainment that we would like to give you; but we hope you will appreciate that in some respects this meeting must be stream-lined. I think you will agree with me that whether there is the usual program or not, the Bar Association has certain duties with respect to carrying forward. You cannot take out of an association the number of men who are now in the armed service of their country, without leaving a hole in the personnel. I know from the reports that I have had that there will be a great number of these men not attending at this time, but whether we are this, that, or the other, we have the responsibility to make sure that when these men come back they will find a Bar Association that is functioning better than it ever did before, not only for those who are here to have the advantage of it, but for those who will come back to acquire a living by the practice of their profession.

There is another reason why an annual meeting should be held, regardless of the situation. The problems of our profession continue. I am a believer in the idea that we will accomplish more by sitting down and talking with each other and discuss our problems both in the meeting here and in the sectional meetings, than we will if we sit down in our offices with our feet on the desk for ten days. This is the advantage of an annual meeting where we can confer and work together for the benefit of our profession.

The Bar of Topeka extends to you our welcome, and we hope that you will have as much pleasure as we of the Topeka Bar will have from having you with us at this convention.

MR. EIDSON: We will hear at this time from Mr. Dallas Knapp, Chairman of the Rules Committee.

MR. KNAPP: The Committee on Rules submits the following report:

1. The order of business shall be that printed.

Every member shall rise to present a motion and shall not do so until recognized.

No member shall speak on more than one subject, and not to exceed five minutes.

Mr. Chairman, I move the adoption of these rules.

(Seconded and carried.)

MR. EIDSON: At this time it is my pleasure to introduce our President. This is an unusual year, and his duties have been arduous. You all know him; and I take pleasure in presenting our President,

CHARLES D. WELCH: Mr. Chairman, and members of the Kansas State Bar Association: I desire to thank the members of our Executive Committee for their fine co-operation in the affairs of the Association during the past year; and also the members of the various committees, who have worked well and done a good job. I want also to thank our Secretary, Bob Clark, who has worked hard and who is responsible, in a large way,

for this meeting. I believe, if we had to dispense with any officers, we could dispense with the President and Executive Council much more easily than we could with our Secretary. I think I would be remiss if I did not express the thanks of our Association to the local Bar Association here in Shawnee County. They have worked hard and put up cash in order to make this meeting a success, and if you find anything good in this gathering, they are largely responsible for it.

For address of the President, see page 1.

PRESIDENT WELCH: The next in order of business is the appointment of the Resolutions Committee. On that Committee I will appoint: O. O. Osborne, C. W. Garrison, and A. R. Lamb.

Upon the Nominating Committee I will appoint: B. L. Sheridan, W. E. Stanley, and Douglas Hudson.

PRESIDENT WELCH: We will now receive the

REPORT OF THE SECRETARY-TREASURER

MR. ROBERT M. CLARK: I have not prepared a written report because I thought, perhaps, after discussing this matter with the Executive Council, it would be better to talk over how the Association stands.

The Secretary-Treasurer is supposed to be the watch-dog of the treasury. On the first of the year we had $2709.00 in the bank. Now we have the cost of the *Journal*, $750.00 to $800.00. The actual cost of the *Journal* was around $2300.00. We ordinarily exchange them with various associations and libraries, and send it to the lawyers in the armed service. Our revenue has been curtailed considerably, and the prospects are that we will have very much less revenue. At our meeting last night we considered how much we could look forward to, and what is the value of the *Bar Journal*. Shall we cut it down; shall we ask for more dues, or shall we ask for voluntary contributions. As I see it, we will have enough money in the treasury to put out the August and possibly the November issues of the *Journal* with our present finances. But I anticipate that about November we will have reached the bottom of the till. I mention this to provoke a discussion. If the Association feels that the *Journal* is valuable and we should continue to send it to the members in the armed forces and keep it on its present basis, if we all agree to it, we should ask for voluntary contributions. I told the Council that if I had to present this I would want help from the floor. I want some suggestions as to whether the lawyers would be willing to dig down and raise a little more money.

MR. LILLARD: This matter came up before the Executive Council last night. My first impression was, by reason of our curtailed financial strength and the many calls upon us, that the simple thing was to cut down the *Journal* to a very small size, and I proposed something of that kind to the Executive Council last night. It was simply an effort to provoke a discussion. The Council then entered upon a full discussion of the whole matter, and they all said that the *Journal* was the most worth-while function that the Association had. It is nationally known and recognized, as compared with the journals of other state bar associations, as outstanding, and our prestige before the bar of the country would be very much lessened if we dropped down in putting out the *Journal*.

Another thing was that the boys in the service who get this *Journal* sent to them, would feel that in their absence we had dropped from our high standard in carrying on our activities, and will not retain their contact with the Association as a body. We should carry on the *Journal* very much as it has been in the past, and it should be the attitude of the officers of this Association to devise ways and means to curtail such expenses as they can to eliminate excess costs. If by regular dues we fail to have enough money, we should either ask for a registration fee, or ask for voluntary contributions to carry on the work of the Association. It is hardly practicable to make a flat rate of increase. There are some who would drop out if they were faced with an obligation they

could not meet. But we ought to go on with the *Journal* as it has been, and finance it by additional voluntary contributions.

MR. CLARK: Are there any other members of the Association who have other ideas on this problem. We want every member to understand the situation we are in.

MR. DALLAS KNAPP: Last night I held the opinion that a registration fee of two or three dollars would take care of the matter during our present emergency. I belong to another organization made up of plumbers and grocers, and we have a registration fee which takes care of the expenses of the convention. Are the lawyers not willing and able to pay a registration fee to see that the *Bar Journal* is maintained? I think we should have at least a $2.00 registration fee. Another thing. It has been said that the Association takes in, and gives out nothing. I come because I get something out of it. Those of you who come get a lot out of it, and as one of those who come I will be willing to pay my part of what I get out of it for the benefit of the other fellow who does not pay.

MR. OTIS ALLEN: I would like to ask how much we have to raise?

MR. CLARK: I think we will have to pay for one issue this year about $800.00. What it will be next year, I don't know.

MR. ALLEN: That would require a pretty good registration fee.

MR. CLARK: I am personally opposed to a registration fee. I think if the President would write a very solicitous letter to the members of the bar, they would chip in.

MR. ALLEN: To get something before the house, I am going to move that the President appoint a committee to solicit members of the Association to raise the necessary funds.

MR. CLARK: Will you make that motion subject to "if it becomes necessary"? We are moving fast. I suggest that if it becomes necessary this fall, that we raise more funds.

MR. ALLEN: I accept the amendment.

MR. ROBERT E. RUSSELL: But I understood there was enough to take care of that issue of the *Journal*.

MR. CLARK: Yes.

MR. RUSSELL: I have no objection to a voluntary contribution, or to raise the dues. I want the *Journal* put out.

VOICE: I second the motion.

MR. WELCH: Any remarks?

VOICE: What is the motion?

MR. ALLEN: My motion was that the President appoint a committee to solicit the members of the bar for funds to carry on this *Journal*, if it becomes necessary.

MR. WELCH: Do you all understand the motion? Are there any further remarks?
(Motion is put and declared carried.)

MR. CLARK: I might say that the Treasurer's Report has been approved by the auditor, and will be printed in the *Journal*.

We have 427 members in the armed service in the past year, and the Secretary's office has had to respond to numerous inquiries concerning men who have sought government jobs. The Secretary has been very busy, and I have not noticed any decrease in the amount of work in my office.

May 12, 1943.

The Executive Council,
The Bar Association of the State of Kansas,
Topeka, Kansas.
Gentlemen:

We have completed a detailed audit of the records of Robert M. Clark, Treasurer of the Bar Association of the State of Kansas covering the period May 1, 1942, to April 30, 1943. These records are kept on a cash receipts and disbursements basis and

are in agreement with the summary presented with this report as Exhibit A.

This examination was not of sufficient scope to disclose assets other than cash or to determine whether there were unpaid liabilities.

The aggregate of cash receipts, as shown by the records, was in agreement with bank deposits. Disbursements were made by check, signed by the treasurer and were congruous with the usual activities of this Association. Checks paid by the bank were examined for signature and endorsement.

The cash balance at the beginning of the period was taken from the last prior audit report. The cash balance at the close of the period was composed as follows:

Cash in Bank	$2,549.37
Cash on Hand — Deposited May 1, 1943	160.00
Total Cash Balance	$2,709.37

The bank balance was confirmed by a certificate from the depository.

Dues payments credited to members cards during this period were reconciled to recorded cash receipts and differences in posting were called to attention of the secretary.

A total of 951 memberships, for both 1942 and 1943 dues, were received during this fiscal year as compared to a total of 1,132 during the prior year or a decrease of 281 in number. Notations on the cards indicate that approximately 215 members are now serving with the Armed Forces of the United States which chiefly accounts for this decrease in membership payments.

Expenditures have not been curtailed in accord with the above loss of revenue as evidenced by the decrease in the cash balance of $821.46 shown in Exhibit A.

The Fidelity Bond of the treasurer was renewed on August 19, 1942, for one year by payment of the premium.

Respectfully submitted,

By C. L. PAXSON, C. P. A.

Exhibit "A"

THE BAR ASSOCIATION OF THE STATE OF KANSAS

Robert M. Clark, *Treasurer*

Cash Receipts and Disbursements

May 1, 1942, to April 30, 1943

Receipts:

Dues — 1942			
336 Memberships @ $5.00	$1,680.00		
8 Memberships @ 4.50	36.00		
11 Memberships @ 3.00	33.00		
10 Memberships @ 1.50	15.00		
365			$1,764.00
Dues — 1943			
572 Memberships @ $5.00	$2,860.00		
3 Memberships @ 4.50	13.50		
7 Memberships @ 3.00	21.00		
3 Memberships @ 1.50	4.50		
1 Partial Payment	4.00		
586			2,903.00

Other Income:

Advertising	$ 766.00	
Subscriptions and Sales	50.58	816.58
Banquet Tickets		552.00
Donation from Topeka Bar Association		100.00
Emblems Sold		2.00
Expense Refunds		8.00
Total Receipts		$6,145.58

Disbursements:

Printing and Other Direct Costs	$3,172.97	
Annual Meeting Expense	1,624.00	
Officers and Executive Council Expense	320.56	
Salary — Secretary-Treasurer	520.00	
Committee Expenses	508.99	
Annotations and Restatement	90.00	
Regular Stenographic Assistance	190.00	
Postage	145.24	
Stationery and Supplies	159.26	
Topeka Bar Ass'n Donation to Integrated Bar Comm.	100.00	
Audit	66.72	
Subscriptions	37.00	
Treasurer's Bond Premium	12.50	
Flowers	10.20	
Federal Payroll Tax	9.60	
Total Disbursements		$6,967.04
Excess of Disbursements Over Receipts		$ 821.46
Cash Balance — Beginning of Period	$3,530.83	
Cash Balance — Close of Period	2,709.37	
Decrease in Cash for the Period		$ 821.46

MR. WELCH: We have with us Arthur J. Stern, First Lieutenant, Air Corps, of the Topeka Army Air Base, who will speak to you on the subject of army Courts and Boards:

LIEUTENANT STERN:

For Lieutenant Stern's address, see page 7.

MR. EIDSON: Are civilian attorneys permitted?

LIEUT. STERN: Yes. In Courts-Martial the accused is permitted to have civilian counsel. He makes that fact known to defense counsel or the Trial Judge Advocate, and it is the duty of one of those two officers to contact the civilian.

VOICE: I understand the President of the United States must approve a finding of death?

LIEUT. STERN: After the finding is approved by the Staff Officer, it goes to Washington, where the Judge Advocate General approves it, and it then goes to the President, and the mode of death is determined after it is approved, by hanging or by shooting.

VOICE: In a claim for damages for negligence in the destruction of civilian property, what steps does the civilian have to follow to get his claim?

LIEUT. STERN: Our situation is that we are without men to handle business claims and local business. But we are at a point where we are getting back into claims. That is one place where we are short of officers, and the rules will not permit enlisted men to

perform those duties. The claimant will be notified, and we are trying to work out where we can go throughout the state. The nearest base command to the injury is supposed to take jurisdiction of the claim. Where there is a Judge Advocate's Staff where they have sufficient personnel to handle these matters, they can have their claims passed on. We have one officer with several thousand men to look after.

REPORT OF MEMORIAL COMMITTEE

Your Memorial Committee wishes to report that we are again assembled at our Annual Meeting to consider the benefits of our past achievements and to propose a program for future action. We are happy to enjoy this privilege, yet with sadness in our hearts we note the absence of some of our members who have always been faithful attendants at our meetings. While they have gone from us their memories still abide with us, and the influence of their actions afford us splendid examples of courage and industry.

The names of the members of our Association whom we loved and respected and whose loss during the past year we mourn, are as follows:

Edmundson, Warren H., Fredonia
Fink, Ellis, Winfield
Hettinger, F. P., Hutchinson
Mikesell, Edwin D., Fredonia
Millikin, Z. C., Salina
Warren, Harry, Ft. Scott
Williams, C. M., Hutchinson.

Other members of the bar who were engaged in the practice of law during their lives in the State of Kansas, but who were not members of our Association at the time of their deaths have also passed from us during the year.

Their labors in their chosen profession were sincere, and worthy of respect and admiration and their names should be enrolled upon our records. Their names are as follows:

Anderson, Forrest B., Kansas City
Austin, Edwin A., Topeka
Baker, William R., Kansas City
Bowes, William, Alma
Brobst, Claude M., Chanute
Cochran, James T., Kansas City
Crawford, W. H., Horton
Crum, A. B., Lyndon
Conley, John L., Ft. Scott
Dedrick, H. T., Wichita
Dedrick, William T., Wichita
Fulton, L. R., Wichita
Gorrill, M. A., Lawrence
Hendry, Alex S., McPherson
Kelsey, J. B., Leavenworth
Keyser, William J., Westmoreland
Littick, George W., Kansas City
Mahin, F. W., Smith Center
Malcolm, George R., Pittsburg
McGrath, Robert W., Fredonia
McCrory, D. E., Pratt
Nation, W. H., Erie
Nicholson, John C., Newton
Pickler, R. M., Smith Center
Price, Francis C., Ashland
Roberts, Blaine, Larned
Schalker, Edwin A., Kansas City
Stevens, Charles, Columbus
Uhl, L. C., Jr., Smith Center
Tucker, J. W., Cawker City
White, Max, Concordia
Wollard, N. J., Kansas City

While their places on earth are vacant their kind actions and noble deeds still inspire us to be ever faithful and unwavering in the discharge of our duties and obligations in life.

Let us stand a moment in silence in honor of the memory of each of them.

Respectfully submitted,

Committee:

J. H. WENDORFF, *Chairman*
W. W. BROWN
E. R. SLOAN
PAUL J. WALL
ED B. BRABETS
WARREN WHITE, *Ex-Officio.*

The Committee on American Citizenship and War Work submits the following report:

The work of this Committee has proceeded along the lines outlined in the previous two reports during the past year, and it is with pleasure that we can report that every request for legal assistance, so far as same has come to the attention of this Committee, has been promptly cared for, and that every member of this committee, when called upon, has cooperated fully.

The members of this Committee have continued to give legal advice and legal assistance, both in and out of court, to men and women called for military service. This consisted largely in preparing of powers of attorney, deeds, bills of sales, assignments, and wills; also prompt attention was given to matters referred to this Committee by the War Department, Navy Department and the Department of Justice, wherein legal advice and legal assistance was required. These matters entailed largely the giving of legal assistance and aiding in the preparing of application blanks for service men's dependents' allotments, insurance, etc. These services were given to the wife or dependent parents, and in some instances, involved questions pertaining to property of the man in the armed forces, status of which had to be adjusted so that it might be handled expeditiously and satisfactorily during the time that the father, husband, or son might be in the military service of our country.

In many instances, members of the Committee have given service in the representation of men in the military service in the protection of their civil rights under the Soldiers' and Sailors' Civil Relief Act of 1940 and as amended. We might add here that what has been done by the members of this Committee is also true of all members of the bar. We have found that the members of the bar as a whole have been very willing to give assistance to members of this Committee whenever called upon, or whenever it was called to their attention that some aid could be given. The lawyers as a whole are also doing their part in assisting with the work of the various agencies set up by the Government in order to carry forth the work of prosecuting this war. No doubt all of you here are giving service of one kind or another. These boards, with which you are all familiar, are the local selective service boards, the rationing boards, the American Red Cross, war bond committees, etc.

Another service rendered by the lawyer who is permitted to remain at home is that of giving assistance to the lawyer in service, in looking after his business while he is absent. In some instances, considerable time of the lawyer at home is taken up in looking after the business of the lawyer in service. The reports coming in indicate that this friendly cooperation and assistance between the members of the bar and those in the military service has tended to create a most favorable relationship — not alone between the lawyers involved, but also in the attitude of the public when such arrangements come to their attention.

A new phase of the work of this Committee undertaken during this past year, and more particularly during the past few months, is that of assisting in creating near each army post and air base a local legal aid committee. In some instances, a local legal aid committee or committee of the local bar association in the town near the army post or air base was organized or set up by the local bar association; but, in order to coordinate the work between this Committee and the American Bar Association Committee on War Work and the local committees of legal aid, it was necessary that some uniform plan be worked out. In order to accomplish this, and at the direction of your President, this Committee has undertaken to make the necessary arrangements for this phase of the work to be carried forward in the future.

Probably the first committee on legal aid that was organized in the State was that of the Shawnee County Bar Association, which association elected or named as chairman of their Committee, Miss Margaret McGurnaghan. The work of this committee as outlined by members thereof consists in having an office in the New England Building here in Topeka, where men from the Topeka Air Base, or other military men or men in the armed

forces of the United States may come for legal assistance and advice. This office is open one evening each week, and there is in attendance at least one lawyer who will give legal advice, assist in the preparation of any legal documents that might be required, and otherwise generally assist the men in the armed forces with any legal problems that they might have. With the cooperation of the local bar associations, a similar committee has been set up at each of the army posts and air bases in the State of Kansas. Attached to this report and made a part hereof is a list of the chairmen of these local legal aid committees and the towns located near these posts and air bases, which list will be printed in the August Bar *Journal*.

The Chairmen of your Committee realize that this is a very brief report; we have not attempted to set out in detail what has been done in the way of giving legal aid and assistance to the men in the armed forces of our country, because probably such a detailed report would serve no purpose. It is the desire of this committee to meet every problem that may arise wherein the men in the armed forces are concerned; and any constructive criticism or suggestions that you may have for making the work of this Committee more effective or for extending and broadening the service this Committee renders, will be welcomed and considered by the Committee. If you have any such criticism or suggestion, please direct same to the Chairman.

Respectfully submitted,

HARRY W. COLMERY,
EVERETT E. STEERMAN,
Co-Chairmen of Committee on American Citizenship and War Work.

Chairmen of local committees on legal aid in towns located near Army Posts or Air Bases:

Arkansas City	Air Base	Kirke Dale
Chanute	Air Base	Geo. W. Donaldson
Coffeyville	Air Base	A. R. Lamb
Dodge City	Air Base	George Gould
Emporia	Air Crew Detachment	Everett E. Steerman
	K. S. T. C.	
Garden City	Air Base	Horace J. Foster
Goodland	Air Base	Elmer E. Euwer
Hays	Air Crew Detachment	Mrs. Kathryn O'Loughlin McCarthy
	Hays State College	
Herington	Air Base	W. H. Alward, Herington Harry Tompkins, Council Grove
Hutchinson	Air Base	Don Shaffer
Independence	Air Base	Kirke C. Veeder
Junction City	Camp Funston	Irving M. Platt
Kansas City	Fairfax Air Base	William E. Carson
Lawrence	Naval Detachment, KU	Raymond F. Rice
Leavenworth	Fort Leavenworth	Lee M. Bond
Liberal	Air Base	Charles Vance
Manhattan	Fort Riley	Scott Pfuetze
Olathe	Navy Air Base	Howard E. Payne
Parsons	Air Base	Elmer W. Columbia
Pittsburg	Air Base	Robert S. Lemon
Pratt	Air Base	Max G. Bucklin
Russell	Walker Air Base	
Salina	Air Base	Alex H. Miller
Topeka	Air Base	Margaret McGurnaghan

Wichita.....Air Crew Detachment.....Martin P. Shearer
Municipal University
Winfield.....Strother Air Field.....H. O. Janicke

REPORT OF COMMITTEE ON AMENDMENTS TO LAWS AND UNIFORM LEGISLATION

To the Bar Association of the State of Kansas:

Your Committee on Amendments to Laws and Uniform Legislation asks leave to make the following report:

Your Committee caused to be introduced in the Legislature at the 1943 Session, three uniform acts, namely: Uniform Simultaneous Death Act, Uniform Acknowledgments Act, and Uniform Veterans Guardianship Act as Amended. Before being introduced in the legislature these acts were all submitted to and approved by the Commission on Interstate Co-operation, and the Judicial Council as well as having been previously recommended for adoption by this Association. All of these acts were introduced in the Senate by Senator Griffith and were adopted and sent to the House of Representatives toward the closing days of the session, where they died in the hands of the Judiciary Committee. However the substance of the Acknowledgments Act was passed and has become a law. It relates to acknowledgments by men in the armed forces and authorized a commissioned officer to take acknowledgments of enlisted men and officers anywhere without stating where the man was at the time he acknowledged the instrument. The Amended Veterans Guardianship Act should have been adopted. It does not change the substance of the act which has already been adopted, but clarifies some of the provisions which have required judicial interpretation. It makes the former act conform to the present federal law relating to the agency administering Veterans estates now called the "Veterans Administration" formerly called "The Veterans Bureau." It provides that the Administrator shall be a party in interest in all proceedings dealing with guardianship of veterans. In short it clarifies and brings to date the former Uniform Veterans Guardianship Act. The Uniform Simultaneous Death Act is a very desirable one. It removes the uncertainty of the distribution of property where two persons who would inherit from each other die at or so nearly the same time that it cannot be determined which died first, and provides that in cases where the title to property depends on priority of death and there is no evidence that the persons died otherwise than simultaneously the property of each shall be disposed of as if he had survived, except in certain cases therein stated. In a case of an insured and beneficiary of a life insurance policy or endowment policy so dying it is presumed that the beneficiary survived the insured. The act does not affect the provisions of wills, living trusts or deeds where distribution of property is made different from that expressed in the act.

Other Uniform Acts which have been approved by this Association were not introduced in the legislature of 1943 for various reasons which need not be stated in this report.

Respectfully submitted,

CHARLES W. GARRISON,
EDGAR BENNETT,
RAYMOND F. RICE,
ERSKINE WYMAN,
ALLEN MYERS,
OTIS S. ALLEN, *Chairman*,
DALLAS W. KNAPP, *Ex-Officio*.

REPORT OF COMMITTEE ON CONFORMITY OF STATE AND FEDERAL PRACTICE

To the Bar Association of the State of Kansas:

Your Committee on Conformity of State and Federal practice begs leave to submit the following Report:

Your Committee has offered suggestions to the Committee of the National Bar Association on the subject of the manner of selecting jurors in the Federal Court.

Your Committee has also endeavored to keep in touch with the changes in Federal Practices.

Your Committee does not have anything further to report.

Respectfully submitted,

AUSTIN M. COWAN, *Chairman*
JAMES MCCLURE
JOE ROLSTON
ROBERT E. COUGHLIN
RALPH M. HOPE
J. G. SOMERS

REPORT OF COMMITTEE ON LOCAL EDUCATION AND ADMISSION TO THE BAR

Your committee recommends that for the coming year the State Bar Association use its best efforts to bring about the following:

(1) The continuation during the war of facilities for both pre-legal and legal education to the end that additions to the body of practicing lawyers be not wholly cut off; and we recommend that this be done even though for a considerable period there be only a few students and even though the per capita cost of training is thereby greatly increased.

(2) That the existing libraries in the schools be kept up-to-date and that insofar as possible the association institutes and other facilities for the further education of practicing lawyers be continued.

(3) The maintenance of the present high standards for admission to the Bar.

(4) The cooperation of the whole Bar and of the law schools with *The Bar Journal* to the end that it may be the vehicle of propagating knowledge of value to the profession and of keeping lawyers in communication with each other during the period when other means are impracticable.

ARTHUR S. HUMPHREY, *Chairman*
J. L. HOGIN
J. F. PRICE
W. F. LILLESTON
J. W. DALTON
F. J. MOREAU
T. M. LILLARD
R. L. HAMILTON

MR. WELCH: Because Judge Wendorff must leave the meeting we will have the

REPORT OF THE MEMORIAL COMMITTEE

JUDGE J. H. WENDORFF:

(Reads report and moves its publication in the *Bar Journal.)*

MR. WELCH: We will now receive the

REPORT OF COMMITTEE ON WAR WORK

MR. EVERETT STEERMAN:
(Reads Report of Committee and moves its adoption.)

MR. WELCH: On account of the fact that we do not have too much time we will not read the reports of standing committees unless there is some recommendation which requires special consideration or action at this time. These reports will appear in the *Bar Journal*. The following reports were received:

COMMITTEE ON CONFORMITY OF STATE AND FEDERAL PRACTICE.

COMMITTEE ON AMENDMENT OF LAWS AND UNIFORM LEGISLATION.

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR.

MR. HUMPHREY: I think we should keep watch on the rules for admission to the Bar, and I move that the report of this Committee now on file, be referred to the Executive Council. (Motion seconded and carried.)

FORENOON SESSION, SATURDAY, MAY 29TH.

The session was called to order by Mr. Lillard.

MR. LILLARD: I have been asked to preside at this session. I approach the session with a wholly impartial attitude — that is, I step in as referee in case there is any threat of personal combat.

The subject for discussion this morning is one of very lively interest. It is designated as "The New Kansas Labor Law" (S. B. 264) and the discussion will have three formal presentations; first, from the standpoint of labor; second, from the standpoint of management; and third, from the standpoint of the public; and following that an opportunity for a general discussion with a willingness on the part of those leading the discussion to answer any question which may be propounded. The first will deal with the subject from the standpoint of labor.

MR. JAMES H. BARNES: When I came up here this morning I did not intend to discuss the legal aspects of this bill, but as this is a discussion at a lawyers' meeting I will change my attitude and go into it from a legal standpoint. Whatever I may say may be called extemporaneous; but before I say anything I assure you that I am not trying to influence you in behalf of any labor union, because I have not the authority from any labor union and if I did, because I am not licensed as a "business agent," I might be in violation of this law.

This matter first came up in June of 1942, and at the invitation of the Legislative Council the unions were requested to present their legislative program. When they presented this to the Council they, in turn, were confronted with a resolution by the Council drawn up by Senator Coleman. As a result of this, the Legislative Council held an investigation. Organized labor representatives met with them three times. Most things in that record was furnished by organized labor. Here are the serious complaints:

(a) Union control of jobs.
(b) High charges for official fees.
(c) Fees paid but no job.
(d) Complaints of inefficient union men.
(e) Discrimination between workers.
(f) Miscellaneous complaints.

Those were the complaints made against labor. After the report on the Skovgard Bill in the Senate after that bill was introduced, and the other bill, No. 223, the Committee bill was drawn up. Most of these complaints involved financial matters. The only

thing in the Selected Committee bill is that it provides that the unions shall not charge higher dues than are contained in their by-laws. There is nothing in the Legislative Report that says anything about violations, or about jurisdictional strikes. The truth is, that these things have not existed in the State of Kansas. There could be no factual foundation for such a law. It was based on the preface of things that might come to pass, and it is very unlikely that they can under present conditions. When Mr. Lewis made application to be admitted into the American Federation of Labor he was definitely committeed to mine coal, and that he would abide by the findings of the War Labor Board. He is definitely committed to keep the wheels rolling and abide by the rulings of the governmental agencies. I will not deny that there are strikes, but they are not by the consent or with the assistance of the labor unions.

I said I was not going to discuss the legal aspects of this bill; but I think I should go into it. In the first place this law provides that a "labor organization" shall mean "any organization of employees, local or subdivision thereof, having within its membership residents of the State of Kansas, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions or grievances of any kind relating to employment." I do not believe you can read into any Act authority beyond the borders of the State of Kansas, and regulate something that has no existence in Kansas. I take it that this is an attempt to regulate international unions. They attempt to regulate the right of the organization to contract, and any organization, national or local, comes under the regulation of this law; and you cannot, by wholly local activities, because there are members in the State of Kansas, regulate an international organization.

There is one thing to be remembered, and that is this; that particularly as far as railroad organizations are concerned, there is no railroad contract negotiated in the State of Kansas. They are all negotiated, you might say, nationally, and the operation of the union as far as railroad brotherhoods are concerned locally, is only incidental to the national operation; and I do not believe that you are going to contend that when an international representative makes a contract, he is going to have to have a license from the State of Kansas because it incidentally affects some member in this state.

The law says, Section One, Subdivision 2, that "The term 'Business Agent' as used herein shall mean any person, without regard to title, who shall act or attempt to act for any 'labor organization' in (a) the issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by a labor organization, or (b) soliciting or receiving from any employer any right or privilege for employees when such labor organization has not been certified or recognized as the bargaining unit for such employer,"; and also provides over in Section Eight, Subdivision 10, that "It shall be unlawful for any person to act as a business agent or representative of any labor organization which does not have on file with the secretary of state, its constitution and by-laws", and in Subdivision 7; "To act as a business agent without having obtained and possessing a valid and subsisting license," and in Subdivision 8, "To solicit membership for or to act as a representative of an existing labor organization without authority of such labor organization so to do."

All right. The National Labor Relations Act specifically states that organized labor shall have the right to bargain through agents of their own choosing and that, under the rule laid down in Hague vs C. I. O., 307 U. S., 496 the discussion of the elements of the Federal Labor Relations Act is a matter of free speech. I do not believe that you can say that you can regulate a small organization of men, all being employees of one employer who might meet in a room some place and say: "We will have to go down and see the boss because we are dissatisfied with conditions in this plant," and who form themselves into a small group of employees and have a committee to go down and see the boss. It is not in my imagination that that committee should have a license. I think that part of the law is debatable. There is no way that this state can regulate the right to bargain with the employer, for that is an element of free speech.

As far as going out and soliciting membership without authority is concerned, what

difference does it make whether he has authority or not? There are about 240,000 members of an organization, but not over 240 are authorized to talk for the organization, but there are 240,000 who can talk about it. That is their God-given right. This is America. They say—or rather the Bill says—"Any picketing beyond the area of the industry within which a labor dispute arises." What do they mean? What is the "area of dispute" in a railroad strike? They have tracks all over the State of Kansas, with depots, water towers, freight stations and shops. Where is the "area of dispute"? You can take it a hundred miles north, south, east and west, or you can say the east wall of a certain building. Can that be interpreted in any particular way? You also have a clause stating "Engage in force or violence in preventing ingress and egress." This is a matter of police regulation. That is, you can't have violence and block off streets. Jurisdictional strikes and sit-down strikes are now out; and I agree with the man who drew the bill, that jurisdictional disputes should be stopped. There is another clause. The bill says: "To participate in any strike, walk-out or cessation of work or continuation thereof without the same being authorized by a majority vote of the employees to be governed thereby, unless such employees authorize such agreement by a secret ballot." Now most of the plants in the State of Kansas are organized on the class system, and at no time does a majority of a class represent a majority of the employees in a plant. Now when can it be said that they have a majority of the employees in a plant? It cannot be said that it is meant by this law that in a plant like Armour and Co. it would be possible for the labor organization to know when it had a majority. The only person who knows whether a labor organization has a majority is the person whose interests are antagonistic to the employees, and that is the employer.

In the case of American Federation of Labor vs. Bain (106 Pac. 2nd 544) decided in Oregon, and the case of People vs. Gidaly (93 Pac. 2nd 660) in California, it was held that you cannot refuse the right of minority to strike, because it involves involuntary servitude; and if the right to picket involves the right to speak, you cannot deny me the right to picket for that is an element of free speech. In the case of the Allen-Bradley Union vs. Wisconsin Employment Relations Board (237 Wisc. 164, 295 NW 791) the Supreme Court of Wisconsin stated that these men could picket as long as they did not resort to violence. They did not decide the other question presented here.

In continuing this discussion I believe I had better leave the labor interests to more able men than I am; but there is a reason for organized labor. It has resulted in a condition in the United States, and to bring that to you in clearer words than I can put it, I will read most of my remarks from the brief in the case of the American Federation of Labor vs. Bain, before the Supreme Court of Oregon:

"Twenty years ago, President Taft stated that labor unions were 'organized out of the necessities of the situation.' " What, then, is the "situation" that made labor unions necessary? The answer to that question is the very root of our contention that labor is now constitutionally protected in its right to form and conduct labor unions. Since that is the basis of the contention we make here, it is necessary to consider the "situation" referred to by Chief Justice Taft which, as we understand it, is the contemporary scene with respect to industrial, economic and technological development. Mr. Felix Frankfurter states in his book "The Labor Injunction" at page 204: "Contemporary society rests upon certain assumptions: that social progress depends upon economic welfare; that our economic system is founded upon the doctrine of free competition, accepting for its gains the costs of its ravages; that large aggregations of capital are not inconsistent with the doctrine of free competition but are inevitable and socially desirable." It requires no proof to show that "large aggregations of capital," whether inevitable or not, is in fact, the characteristic phenomenon of the contemporary industrial order. Whether wise or unwise, industry in America has come to be characteristically organized into large, highly integrated and highly organized units, primarily through the device of the corporation. In other words, the modern characteristic employer is not a single individual, but is an organization of individuals, sometimes numbering in the thousands of persons and acting through a central leadership, amounting often to practically a dictatorship. The "situation," in other words, is unmistakably different than was the situation a hundred years

ago. The contemporary "situation" in the regard mentioned is illuminatingly stated by Berle & Means in "The Modern Corporation and Private Property." A book relied upon by Justice Brandeis in his dissenting opinion in Liggett vs. Lee, 288 U. S., 517, as follows: "In its new aspect the corporation is a means whereby the wealth of innumerable individuals has been concentrated into huge aggregates and whereby control over this wealth has been surrendered to a unified direction. Such an organization of economic activity rests upon two developments, each of which has made possible an extension of the area under unified control. The factory system, the basis of the industrial revolution, brought an increasingly large number of workers directly under a single management. Then the modern corporation, equally revolutionary in its effect, placed the wealth of innumerable individuals under the same central control. By each of these changes the power of those in control was immensely enlarged and the status of those involved, worker or property owner, was radically changed. The independent worker who entered the factory became a wage laborer surrendering the direction of his labor to his industrial manager." "The extent to which economic activity is today carried on by such large enterprises is clearly indicated by the accompanying list of the two hundred largest non-banking corporations, compiled as of January 1, 1930. Nearly all of these companies had assets of over one hundred million dollars, and fifteen had assets of over a billion dollars. Their combined assets amounted to eighty-one billions of dollars or, as we shall see, nearly half of all corporate wealth in the United States." "The typical business corporation of the last century, owned by a small group of individuals, managed by their owners and limited in size by their personal wealth, is being supplanted by huge concerns in which the lives of tens or hundreds of thousands of employees and the property of tens or hundreds of thousands of investors are subjected, through the corporate mechanism, to the control of a few men. Ownership has been separated from control, and this separation has removed many of the checks which formerly operated to curb the misuse of wealth and power. And as ownership of the shares is becoming continually more dispersed, the power which formerly accompanied ownership is being increasingly concentrated in the hands of a few. The changes thereby wrought in the lives of the workers, of the owners, and of the general public, are so fundamental and far-reaching as to lead these scholars to compare the evolving corporate system with the feudal system, and to lead other men of insight and experience to assert that the "master institution of civilized life" is committing it to the rule of a plutocracy. The data submitted in support of these conclusions indicate that in the United States the process of absorption has already advanced so far that perhaps two-thirds of our industrial wealth has passed from individual possession to the ownership of large corporations whose shares are dealt in on the stock exchange; that 200 non-banking corporations each with assets of ninety million, control directly about one-fourth of all our national wealth, and that their influence extends far beyond the assets under their direct control; that these 200 corporations, while nominally controlled by about 2,000 directors, are actually dominated by a few hundred persons — the negation of industrial democracy." "Such is the Frankenstein monster which states have created by their corporation laws, and such, we may add, is the 'situation' which made the labor union a necessary part of the contemporary social, economic and industrial order. The workers' economic opponent, the employer, has been permitted, and by law protected in his right to organize into the most highly integrated and collectively efficient organization that could be devised by the ablest brains that America has produced. In that 'situation' can the states constitutionally deny the right of similar organization to the worker, whose very life depends upon his dealings with such highly organized employer? If the states have such power, what then, becomes of the constitutional guaranty of 'equal protection of the laws,' supposedly for the benefit of those who toil with their hands as well as other classes of persons?" "In that 'situation' it must be, and is recognized by every thinking person that the average job holder or job seeker, if he must act individually, is completely helpless in 'bargaining' in any real sense with the modern organized employer with respect to terms and conditions of the employment contract. Unless the worker is to be relegated to the economic position of a sack of wheat, co-operative action in labor unions is indispensably necessary. In that 'situation' can it be said that

the American worker has not a constitutionally protected right to join with his fellows in meeting the exigencies of an environment not of his own making, but indispensable to his living?" "The position we take here is not without judicial recognition. Twenty-four years ago Mr. Justice Wanamaker, in Jackson vs. Berger (Ohio), 110 N. E. 732, stated our position with remarkable clarity, thus: 'The truth is that the individual workman today, seeking employment in the large corporate, industrial and transportation plants, enjoys no such thing as liberty of contract. He enjoys it in law, but not in fact. The working man, recognizing the large benefits that have accrued to capital and business by corporate organization, joined his fellow workmen together in a so-called labor union for the purpose of protecting and improving the wages, hours of labor, and sanitary conditions, protection against loss of life, limb, etc., and in a general way securing practical betterment of working conditions. The working man claimed for himself the clear benefits of the law, and now demands for the preservation of those benefits the equal protection of the law." Almost half a century ago, Mr. Justice Holmes, while on the Massachusetts Bench, with characteristic insight saw clearly the necessity for protection of labor's right to organize in the evolving capitalistic scene. His dissenting opinion in the famous case of Vegelahn vs. Gunter, 44 N. E., 1077, the Justice referred to the necessity of labor unions in the following language: "One of the eternal conflicts out of which life is made up is that between the efforts of every man to get the most he can for his services, and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is patent and powerful. Combination of the other is necessary and desirable counterpart, if the battle is to be carried on in a fair and equal way. If it be true that working men can combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that, when combined, they have the same liberty that combined capital has, to support their interests by argument, persuasion and the bestowal or refusal of those advantages which they otherwise lawfully control." In the recent case of National Labor Relations Board vs. Jones & Laughlin Steel Corporation, 301 U. S. 1, the United States Supreme Court referred to the right of workers to organize into labor unions as follows: "That is a fundamental right. Employees have as clear a right to organize and select their representatives for lawful purposes as the respondent has to organize its business and select its own officers and agents. Long ago we stated the reasons for labor organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and resist arbitrary and unfair treatment; that union was essential to give laborers opportunity to deal on an equality with their employer. We reiterated these views when we had under consideration the Railway Labor Act of 1926. Fully recognizing the legality of collective action on the part of the employees in order to safeguard their proper interests, we said that Congress was not required to ignore this right but could safeguard it. Hence the prohibition by Congress of interference with the selection of representatives for the purpose of negotiation and conference between employers and employees, instead of being an invasion of the constitutional right of either, was based on the recognition of the rights of both." Even conservative Justice Taft was not disposed to ignore the obvious facts of modern life. In American Steel Foundries vs. Tri-City Central Trades Council, 257 U. S. 184, he speaks thus of labor unions: "They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ to resist arbitrary and and unfair treatment. Union was essential to give laborers opportunity to deal on an equality with their employer. They united to exert influence upon him and to leave him in a body in order, by this inconvenience, to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has, in many years, not been

denied by any court." Long ago, even before Judge Holmes dissented in the Vegelahn case, Federal Circuit Judge Caldwell, in Ames vs. Union Pacific Railway, 62 Fed. 7, recognizing the problem, stated: "A corporation is organized capital; it is capital consisting of money and property. Organized labor is organized capital; it is capital consisting of brains and muscle. What it is lawful for one to do it is lawful for the other to do. It it is lawful for the stockholders and officers of a corporation to associate and confer together for the purpose of reducing the wages of its employees, or of devising other means of making their investments profitable, it is equally lawful for labor to associate, consult, and confer with a view to maintain or increase wages. Both act from the prompting of enlightened selfishness, and the action of both is lawful when no illegal or criminal means are used or threatened." A survey of the "situation" out of which the necessities for labor unions arose is incomplete without a consideration of the all too common attitude of employers toward labor unions in America. In 1911 the president of the National Association of Manufacturers in the address to the delegates in convention voiced the then common attitude of large employers toward labor unions in these words: "The American Federation of Labor is engaged in an open warfare against Jesus Christ in this cause. Let the American Federation of Labor and all those who are for it stand as a unit by themselves, and let all those who are against it stand as a unit by themselves, and then right will be pitted against wrong, the right will prevail and every man will get that which is his — a square deal." Today more than half of all the manufactured goods in America is produced by firms affiliated with that employer organization. Perhaps the organization does not use the same words as its president did in 1911, but the spirit remains substantially unchanged.

I may say in conclusion that I feel this way about the Kansas Labor Relations Act. Remembering that laws have been passed in the past, particularly in 1918 and 1920, I feel that this act is not the result of necessity. Necessity resulted from the opportunity, and that the responsibility for this act does not lie at the door of the people of the State of Kansas. Instead, I would place it at the door of labor's old enemy, capital, with which it does not have, and never will have anything in common.

MR. GEORGE SIEFKIN: I might find some fault with labor. I do not think it is a question of whether labor unions are good or bad. The answer to that question is, yes and no. There are good labor unions and bad ones. There are good labor leaders and bad ones, just as there are good employers and bad ones, and I do not think that name-calling or abuse of one side by the other will get us any place.

I wonder how many present have read the law. Will you give me a show of hands? Possibly a third or a fourth. Let's look at it and see what it is. I will try to digest it. In the first place the Act requires that business agents shall be licensed. What is a "business agent"? Mr. Barnes says that as far as dues and assessments are concerned they have a right to enact the law; but you can't enact such a law to forbid an international representative from coming into the state and negotiating a contract. I concede that. A "business agent" is defined as one who, before the union is recognized, shall attempt to bargain for employees, so unions which are under the National Labor Act have a right to come into the state and negotiate these contracts. That change was made deliberately because of the complaint of the brotherhoods that they had no representative in Kansas, so the first suggestion that Mr. Barnes makes falls down. The unions, under this Act, are required to file their by-laws and constitutions. I take it there is nothing wrong with that. All unions having more than 25 members are required not only to file their constitution and by-laws, but must make an annual report of the salaries, officers, election dates, and a statement of their receipts and disbursements. We do that with corporations large and small, insurance companies, and every type of business affecting the public interest, and if labor unions are not of public interest then they have no business to exist, and we have the right to control labor unions within the state. It is almost word for word the National Labor Relations Act. You are all more or less familiar with that, and it uses part of the Wagner Act when it says that they shall not interfere with the rights of employees. Certainly the state had a right to pass it. Lastly is this matter concerning which greatest

complaint is made are these prohibitive sections. Let me run over them. It forbids a strike without having a majority. That was suggested in Oregon case of the American Federation of Labor vs. Bain, and that was stricken out. It may be that a few can call a strike. The United States courts have not passed upon it. The Wisconsin Supreme Court touched upon it. It is questionable. Among the prohibitions is the entering into an all-union agreement without a vote of a majority of the employees. Before you can have a closed shop in any industry in Kansas, a majority of the employees must vote to do that — to have a closed shop or a union shop. You people know that that prevents or forbids anyone remaining in the employ of the company unless he is a member of the union. All the Kansas Act says is, that you cannot do that unless a majority of the employees vote for it in secret session. It forbids a charge of more or less than the schedule fees for initiation and dues. I am sure that provision is valid. It forbids solicitation by a business agent unless he is authorized by the union to represent the union in so soliciting; and I think the unions would be very much in favor of that proposition. It forbids secondary boycotts and sit-down strikes; and forbids picketing beyond the area of dispute. The Supreme Court of Texas, and the United States Supreme Court has that question up, and the latter court held — let me give you the facts in that case: A man by the name of Ritter had a restauant, and was erecting another building. He hired non-union carpenters and bricklayers. They attempted to unionize Ritter's employees, and he could not get the job done, so they went over to Ritter's cafe and picketed it, in order to force the building contractor to employ union labor. The United States Supreme Court held that was improper. (Carpenters & Joiners Union vs. Ritter's Cafe, 86 U. S. L. Ed. 1143.)

It prohibits picketing with violence. Picketing with violence has been before the Supreme Court of the United States, and that court struck it down by the Hague decision and one in New Jersey and one in Alabama (Thornhill vs. Alabama, 84 U. S. L. Ed. 1094), where it was said that freedom of speech is the right to tell the world what a man's grievances are in any way he wants to, as long at it is truthful and he does it without violence. Then the question of "violence" came up, and the Supreme Court said whenever you employ violence with picketing, the state has the right not only to forbid it, but to enjoin it.

Finally the act provides that labor unions may be sued in their commonly known names and that their property, and their property, and only the property standing in their names, shall be subject to process. I am inclined to believe that all members of a labor union are partners. We only have three forms of associations in Kansas; that is, limited partnerships, general partnerships, and corporations. I am inclined to believe that every member of a labor union might be responsible. This Act says you can sue the whole organization, but only collect from the general assets.

Finally, there are provisions for enforcement by the Attorney General. What is wrong with that? Just what are the objectionable features to it? I have already pointed out that an international representative can act for the union is not contained in the Act and the original provision that the agent must be a resident of Kansas for six months was stricken out in caucus action because the N.L.R.A. says that organizations have the right to select their own representatives; and if Kansas limited it they would not have free choice, and they struck it out.

The second objection is to picketing beyond the area of industrial disputes. That lies within the police power of the state, as was said in the Wisconsin case, and the Wisconsin act is almost verbatim with the Kansas act. Mr. Barnes says: "On the railroads, where is the area of industrial dispute?" Well the legislature has the right to define it, and they have. I think it is not the property of the company itself, but it is a question of whether they go further and picket some other property that is not involved in the industrial dispute.

The Bain case in Oregon is referred to. That was decided before the cases I have mentioned. It goes a long ways; but it does this and this only, that it holds, along with the decisions of the Supreme Court of the United States, that the state cannot forbid peaceful

picketing. But just what is peaceful picketing? I refer to the statement of Justice Holmes some years ago, when it was contended that free speech permitted you to say at any time and any place what you pleased. He said: "The most stringent protection of free speech would not protect a man from falsifying, shouting "fire," or producing a run on a bank * * * * it will not stop him from picketing, but from picketing with violence, coercion or intimidation" (?) It all lies within the police power, and in the Bradley case in Wisconsin they say that Wisconsin had the right to rely on its police power in passing that law. It was to cover the general conduct of employers and employees, but under the policing of individuals.

I want to say this in conclusion. Mr. Barnes says there was no need of passing this kind of legislation. I disagree with him; for personally, within the last six months, I have represented an employer in Wichita where the question of a union shop came up. It was demanded, and when it was refused, and when United States conciliator came in and said they were not entitled to a union shop, they quit work, and the employer hired other employees and put them to work. The factory was on the second floor, and those men gathered there on the change of shifts and would not allow anyone in or out. They blocked the fire escapes. Formerly we have been free from this. When this War is over and when we try to return to normal life, industrial disputes will arise, and I know of no reason why we should repeal the law against murder because we have few murders. I think we should look to the future, and I think the legislature did so. I do not speak from the standpoint of the public, but the management. I could tell you of a client of ours, a small loan company, that advanced 39 loans of $375.00 each to individuals so they could go to work. I know of a man who was charged $125.00 to get a job driving a bull diesel tractor. While there may be one or two provisions which will be entitled to serious consideration by the court, yet I think it is a good act, and perfectly legal.

MR. LILLARD: We have present a man prepared to discuss the subject from the standpoint of the public, a member of the Senate of the State of Kansas, who was quite interested and labored hard, I am sure, in connection with this bill. We will now hear a discussion from the standpoint of the public by

JOHN A. ETLING: I am not going to make a speech. I was asked to prepare a brief paper on the subject of the Kansas Labor Law from the public's point of view, and with your permission I am going to read it,

For Mr. Etling's address, see page 14.

MR. LILLARD: As I announced when the meeting was opened, there will be an opportunity for a general discussion of this law, and I understand each of the speakers is entirely willing that questions be propounded.

MR. HEGLER: Laying aside the question of legality, I would like to have you tell us what the objections of the union to this law are. What legal objection? From a practical standpoint, why don't the unions want this kind of a law?

MR. BARNES: This is the one state in which such a law was passed as an opening wedge against the rights of the unions. Also, this war condition may go on for some time, and it may not be a law when the war is over. You have requested labor to go ahead and produce all they can produce, and at the same time this is not the end but the start, because the war is only a temporary condition. It includes the right to strike. It requires registration of labor organizations. To that we have no objection. We do not have any objection to the outlawing of sit-down strikes and jurisdictional disputes. We would like to have assistance of the State to clean our own house; but we also say this, that the right to strike and the right to free speech is just as dear to us as it is to you, and we still adopt that attitude.

MR. HEGLER: I might suggest this; that the labor leaders make public their accounts, or at least account so that their organizations may know what is being done with the money.

MR. BARNES: This law requires the secretary to register his officers and accounts; but every labor union makes a financial report to the membership of the money that is spent, and that is submitted to the organization for their approval. More than that, the average organization publishes a financial report for its membership. The International publishes its report in their paper. As far as submitting it to the general public is concerned, it is none of their business; but as to requiring labor organizations to report their financial condition to the membership, I agree.

MR. LAMB: Do I understand you to say that this is only a continuation of the fight between the laborer and the employer, between whom there can never be anything in common?

MR. BARNES: It is like a dog and a cat; they are natural enemies.

MR. ARN: I understood you to make the statement that in case of a question as to a majority, that the employer would be the first to know about it. I am wondering how you would suggest that that would be done.

MR. BARNES: What I meant to say was this; that the only person who could determine whether a majority voted for the agreement is his natural antagonist, his employer. That is what I meant.

REPORT OF THE COMMITTEE ON LOCAL BAR ASSOCIATIONS

The activities of the Committee on Local Bar Associations have, during the past year, been somewhat hampered and accordingly curtailed by the strenuous times we are now experiencing, the rationing of gasoline and tires, and the nation-wide policy of restricted travel, except in cases of absolute necessity. In addition, there has been a constantly increasing number of members of the bar called into service, thus seemingly curtailing local bar activities. Such loss of members has even been reflected in the committee itself.

To those of us who remain, an increase in business has made such demands upon our time that bar activities have as a natural consequence suffered. We are all members of a profession which down through time has been known and cherished as an honorable calling and, as members of which, we can well be proud. Our closer association, and continued harmonious co-operation in things beneficial to all of us, serves only to strengthen our place in the American way of life. Bar associations serve the purpose of providing a place where we as individuals may gather and there develop advantages to our profession which eventually reflect themselves in our common gain. The State Association unifies us all and the local associations produce regional unity which, if diligently pursued, creates untold benefits.

It is only natural that war curtails bar activities — some of our fellow practitioners are gone, but their absence is only temporary — and we hesitate to engage in the usual activities in their absence because they have heretofore taken a part. But we believe that those who are away want us to keep alive the activities of our profession in order that when they return, bar organizations and their activities will have produced benefits in their absence in which they will share.

To local bar associations, we recommend:

(1) That each member of the bar belong to The Bar Association of the State of Kansas.

(2) That each local association go on record as favoring integration of the State Bar.

(3) That regular meetings of at least once each month be held.

(4) That active committees with a definite purpose be created and that they meet regularly and report periodically on their activities.

(5) That local associations give serious consideration to the suppression of the unauthorized practice of law.

(6) That each local association plan and have not less than two legal institutes each year.

(7) That each meeting of the local associations be planned to provide suitable and timely speakers and subjects of discussion in order that those who attend can well attest the benefits of the meeting.

(8) That each local association hold periodical gatherings for sociability purposes alone, for if we know our fellow practitioners better, the transaction of our daily business affairs often seems just a little more smooth.

(9) That each local association dedicate itself to do any and all things within its power and the power of its members to assist in the present national emergency.

The traditions and fine standards of the Kansas Bar which we have heretofore upheld and enjoyed should inspire each of us to engage in active participation in bar association activities, for as it has been so aptly said, in such associations there is unity and in unity there is strength. The local associations can well serve to our individual advantage in our more intimate affairs, while the state association has and will continue to be of indispensable and invaluable benefit to us as a professional group. To the end that all of these fine purposes may continue, we sincerely urge upon each Kansas Lawyer the need of his active participation in both local and state bar association affairs, and in so doing he will reap untold benefits for himself and at the same time serve to better the profession to which he has dedicated his life's work.

Respectfully submitted,

J. WILLARD HAYNES, Kansas City, *Chairman*
ALLEN MEYERS, Topeka
ROSS E. BORDERS, Independence
CARL ACKARMAN, Sedan
L. A. MCNALLEY, Minneapolis
BERT E. CHURCH, Wellington
J. C. RUPPENTHAL, Russell
CHARLES VANCE, Liberal
CLEM SILVERS, El Dorado
G. L. LIGHT, Liberal, *Ex Officio*

(Letters from Judge Ackarman attached to indicate his viewpoint).

CARL ACKARMAN

Judge Thirteenth Judicial
District of Kansas
Division Number One

Sedan, Kansas.

May 6th, 1943.

J. WILLARD HAYNES,
Brotherhood Building,
Kansas City, Kansas.

Dear Sir:

I have received a copy of your report of the Committee on local bar associations and have the following suggestions:

That No. 2 of the recommendations be stricken out, as I believe it should be a matter for each local bar association to decide the question as to whether they desire

integration of the state bar, and I do not believe that the committee of the State Bar Association should make such a recommendation.

That No. 3 be changed so that regular meetings of the local bar association be held at such times and dates as the associations may decide. It may be all right for the local bar associations in the larger places to hold meetings at least once each month, but in the smaller places it is almost impossible to do so. However, I think it well to recommend that they hold regular meetings, and on that question that the local association should determine the time and place.

In reference to recommendation No. 4 the same suggestion as to the meetings of the bar associations in the larger places. It might be well for them to have active committees, but in the smaller places it would be almost impossible to do so.

In reference to recommendation No. 6, the same question presents itself that the larger places may be able to have one, and some of them two legal institutes, but in many of the places the local associations are unable to have a legal institute, and it is necessary for them to combine if they have any legal institute at all, so I think that recommendation should be rewritten so they may have legal institutes wherever they can be conveniently arranged.

So with the changes suggested I think the balance of your report is all right.

Very Truly Yours,

CARL ACKARMAN,
Judge 13th Judicial District,
Division No. 1.

CARL ACKARMAN

Judge Thirteenth Judicial
District of Kansas
Division Number One

Sedan, Kansas

May 20th, 1943.

J. WILLARD HAYNES,
Brotherhood Building,
Kansas City, Kansas.

Dear Sir:

Received your letter of May 17th, and it seems that I am the only one that don't agree with everything set out in your report. So why not present your report and submit a copy of my letter with it making the suggestions of the suggested changes. It might be that if I wrote a report and made the changes suggested that the other members of the committee would not agree with it, so perhaps you had better submit the report as it is and note my suggestions, or if necessary to note my suggestions that you read the letter that I wrote you and attach a copy to the report.

Very truly yours,

CARL ACKARMAN,
Judge 13th Judicial District,
Division No. 1.

AFTERNOON SESSION, MAY 29th.

The meeting was called to order by President Flood.

PRESIDENT FLOOD: The first in order of business is the Report of the Committee on the Illegal Practice of Law. If there are no recommendations which require action, the Report will be received and published.

REPORT OF COMMITTEE ON ILLEGAL PRACTICE OF THE LAW

To the Bar Association of the State of Kansas:

Your Committee on Illegal Practice of the Law reports:

The Committee has had no meetings during the year. Few complaints have been made to the Committee during the year; and those made were disposed of by correspondence and apparently satisfactorily.

BALFOUR S. JEFFREY
CHESTER STEVENS
CLAUDE I. DEPEW
WILLIAM S. NORRIS
W. D. VANCE
SAMUEL E. BARTLETT, *Chairman*

PRESIDENT FLOOD: The next is the Report of the Committee on Local Bar Associations, by

MR. WILLARD HAYNES: The report is filed, and the recommendation is that the Committee on Local Bar Associations go on record as favoring integration of the bar. There is a dissent by one member of the Committee concerning two matters, which is attached to the report.

PRESIDENT FLOOD: It is not necessary to read it. As a matter of fact, the dissent is on the matter of the recommendation of the integration of the bar.

MR. HAYNES: I move that the report as filed be adopted and the Committee be continued for the ensuing year. In addition to this motion I have this to say. The local bar associations should be represented on the Executive Council. The purpose is to interest the members of the bar, and if the State bar undertakes this task, it will improve the membership and their participation in the Bar activities, and while the other members are not familiar with it, I offer it as a part of our report, and move its adoption. In that connection I also suggest that the Executive Council do all things necessary to bring about the organization of these local bar associations.

PRESIDENT FLOOD: As I understand, you have nine districts, and we should have nine local bar associations. You have heard the motion. Are there any remarks? (Motion carried.)

PRESIDENT FLOOD: The next is the Report of the Committee on Bar Organization. I do not see Mr. Sheridan, and we will pass it for the time being.

PRESIDENT FLOOD: The next is the Report of the Committee on Selection of Judges. Are there any recommendations?

MR. CLARK: The recommendation is that the recommendations of last year's committee report be re-affirmed. That was as to the formation of state-wide institutes. I move the report be adopted. (Seconded.)

MR. HAYNES: I desire to amend the motion by the recommendation that the committee be continued for the ensuing year.

MR. CLARK: I accept the amendment. (Motion carried.)

PRESIDENT FLOOD: The next is the Report of the Committee on the Improvement of Medico-legal Relationship. If there are no recommendations, the Report will be accepted and filed.

PRESIDENT FLOOD: The next is the Report of the Committee on Radio and Public Relations. There is a Report filed by the Committee. There are no recommendations except that the Committee be continued. I might say that this Committee is heard over the air on KFBI programs each second week. These programs were well received from the letters that came into the radio station. I think Mr. Russell did a splendid job.

REPORT OF COMMITTEE ON SELECTION OF JUDGES

To the Bar Association of the State of Kansas:

RECOMMENDATIONS.

Your Committee recommends as follows:

1. That the recommendations contained in the Committee report for 1940 concerning the formation of a statewide Institute composed of both laymen and lawyers

to study, propose and publicize an improved method of Judicial Selection and Tenure, be vigorously pursued.

2. That the Committee on Selection of Judges and the Kansas Judicial Council working together should cooperate in the work of the statewide Institute composed of laymen and lawyers proposed in the foregoing recommendation.

3. That the Bar Association through its Committee on Selection of Judges actively continue its efforts for the adoption of an improved method for the selection of judges in the State of Kansas.

REPORT.

Your Committee reports as follows:

The foregoing recommendations are exactly the same as were made last year by the Committee on the Selection of Judges. Little has been accomplished on the improved method of selecting judges during the past year. However, the general idea of an improved method in the selection of judges seems to be taking hold.

It is easy to use the war as an excuse and say that things are too upset and the future too uncertain to undertake to modernize or improve the method of selecting judges and making their tenure of office more certain. There has probably never been a better time to take such steps than now, provided the Bar Association is ready to take active interest. If the Bar Association is anxious to bring about such an improvement, the improvement in the selection and tenure of judges presents a very definite challenge.

The State of Missouri presents an admirable field for study of the actual working of an improved method of selecting judges along the lines sponsored by the American Bar Association.

The Committee feels that considerable time, effort and mature deliberation is going to be necessary, and therefore respectfully submits that there is no time like the present to start actually working toward our objective.

VERNE M. LAING, *Chairman*, Wichita
MATT GUILFOYLE, Abilene
E. E. KITE, St. Francis
LEROY BRADFIELD, Fredonia
LESTER GOODELL, Topeka
G. L. LIGHT, *Ex Officio*

REPORT OF RADIO COMMITTEE

The Radio Committee met at Topeka, Kansas, October 27, 1942, and made arrangements for its activities for the current year. Numerous types of programs were discussed at the meeting. It was decided that, due to transportation inadequacies and conditions in general the activities of this Committee should be limited. A study was made of a broadcast being sponsored by the Ohio State Bar entitled "Liberty Under Law," and a similar program which was being broadcast by the California Bar Association.

"Liberty Under Law" was first put on the air by the Radio Committee of the Columbus Bar, which was composed of the Columbus Bar Association, the Lawyers' Club of Columbus, and the Barristers' Club. The first broadcast was on March 16, 1940, over Radio Station WBNS, Columbus, Ohio. Subsequently the Public Relations Committee of the Ohio State Bar Association transcribed the programs for distribution throughout the state for use of local bar associations over local radio stations. They began their state-wide broadcast March 12, 1942. The programs are fifteen-minute transcribed dramatical sketches, presenting various incidents involving legal questions and activities of lawyers, showing their relationship to the public and describing their work in upholding and defending the rights and privileges of citizens under the Constitution of the United States. They are everyday situations which attempt to avoid

legal technicalities. The programs were designed to publicize the activities of lawyers generally, but not to be used to promote individuals. Radio stations donate their time and the only expense involved is the nominal cost of producing and distributing the transcriptions. The Ohio Bar discovered that this program presented on a regular schedule each week was a good means of building a radio audience which could be utilized by the local bar associations in connection with its other activities.

Your Radio Committe corresponded with the Assistant Secretary of the Ohio State Bar Association and secured from them a series of thirteen transcriptions. Committee Member Wirth Sargent made arrangements with KFBI of Wichita to broadcast these transcriptions without charge to the Bar Association. The programs were broadcast each Saturday evening at 5:30 P. M., commencing January 23, 1943, and continued thereafter until all transcriptions had been presented. Ralph Varnum of KFBI announced at the beginning and ending of each program that the transcription was presented by the members of the Kansas State Bar Association.

The titles of the program presented are as follows:

1. "Probation"
2. "Case of Unwritten Lease"
3. "Advertising Admonition"
4. "Murder by Proxy"
5. "Freedom of Speech"
6. "Freedom of Worship"
7. "Right of Suffrage"
8. "Search"
9. "Gold Brick"
10. "Pursuit of Happiness"
11. "Right of Habeas Corpus"
12. "Clean Hands"
13. "Finger Prints"

Numerous letters were received from the radio audience and members of the Bar advising that the program was being appreciated, and in some instances local newspapers made favorable comments concerning the programs. Mr. Varnum of KFBI has advised the Committee that undoubtedly the programs were favorably received, stating that the true test of a radio program's success depends largely upon whether or not the radio station receives any unfavorable criticism. He was pleased to report to the Committee that they did not receive any unfavorable criticism on this series of transcriptions.

It is the recommendation of your Committee that a resolution be adopted expressing appreciation to the Bar Association of the State of Ohio for its cooperation in furnishing the transcriptions.

It is also the recommendation of your Committee that the Secretary of the Association be instructed to write a letter of appreciation to Radio Station KFBI, Wichita, Kansas, for its courtesy in broadcasting this series of transcriptions over its station free of charge.

It is the further recommendation of your Committee that further study be given to this type of radio appeal, with the suggestion that, if it is practical, the Kansas State Bar Association make and transcribe a series of programs for presentation over all of the local radio stations in Kansas.

ROBERT E. RUSSELL, Topeka, Kansas,
Chairman

N. E. SNYDER, Kansas City, Kansas
LEROY W. RAYNOLDS, Emporia, Kansas
GERALD STOVER, Hutchinson, Kansas
R. W. EVANS, JR., Dodge City, Kansas
J. WIRTH SARGENT, Wichita, Kansas
CHAS. D. WELCH, Coffeyville, Kansas

REPORT OF THE COMMITTEE ON CRIMINAL LAW AND LAW ENFORCEMENT

It is recommended that the management and control of the Boys' Industrial School at Topeka, and the Girls' Industrial School at Beloit, be transferred from the State Board of Social Welfare to the State Board of Administration.

The Committee held no formal meetings during the past year.

Certain specific legislative changes were recommended by the committee in 1942. Copies of the 1942 committee reports were submitted to the Chairmen of the Judiciary Committees of the House and Senate, but no effort was made by the committee members to exert any further influence upon these committees or members of the legislature to obtain passage of the recommended bills. The recommendations of the committee were not enacted into law. No report was made to your committee by the said chairmen of the judiciary committees what reasons existed for not accepting such recommendations. It is believed that lack of time to consider any measures except those of the utmost importance was the reason.

The committee renews its recommendations of last year's report and further recommends that legislative changes be made that the management and control of the Boys' Industrial School at Topeka and the Girls' Industrial School at Beloit be transferred from the State Board of Social Welfare to the State Board of Administration for the following reasons:

1. The State Board of Administration formerly had such management and control, together with jurisdiction over the penitentiary and the reformatory and the Women's farm.

2. The problems of the respective institutions are essentially the same and can be better handled by one central agency.

3. The State Board of Social Welfare has already a multitude of duties to perform in respect to welfare laws not related to the supervision of institutions for delinquents, and is unable to give these institutions the necessary time and attention.

4. The State Board of Administration should have no difficulty in adding to its duties the supervision of these two schools.

Respectfully submitted,

DONALD C. ALLEN, *Chairman*
ED ROONEY
GEO. K. MELVIN
CLAY CARPER
BERNARD PETERSON
R. T. MCLURG

Wichita, Kansas,
May 27, 1943.

To Members of Bar Committee:

Re: Committee on Criminal Law and Law Enforcement.

Since I have received but one objection to the proposed committee report, I presume that it should stand. However, Mr. Ed Rooney has submitted some additional suggestions to be embodied in the report and has taken issue with the suggestion that the Boys' School and the Girls' School should transfer to the jurisdiction of the Board of Administration.

Therefore, it is my suggestion that his opposition to the committee report be submitted as a minority report insofar as such transfer is concerned.

Since I now find it will be impossible for me to be at the Bar Meeting and since I do not know how many of you will be there, I am sending a copy of this letter to each member of the Committee, addressed to the Hotel Jayhawk. Also, since I know that Mr. Rooney will be in Topeka, I am appointing him as Vice Chairman to get

the committee together and consider his proposals, which are as follows:

"1. The State Board of Social Welfare is better equipped to handle the Boys' Industrial School and the Girls' School at Beloit than is the State Board of Administration. The State Board of Administration is engaged in handling criminals and dealing with penology and generally speaking have the viewpoint usually held toward criminal institutions. This viewpoint is out of harmony with the modern theory of juvenile delinquency.

The State Board of Social Welfare has its duty in this phase of our social activity and have a much better psychological and social welfare, and is thereby recommended that the power remain with the State Board of Social Welfare.

2. I recommend that the Boys' Industrial School at Topeka be dispensed with. It is a dumping ground for certain counties in the state to avoid their social duties towards the community. Any community can care for its children under sixteen years of age and should. Many counties of the state do this and do not use this institution.

3. I recommend the abolition of the capital punishment law.

4. If it be not abolished while it still exists, I recommend that the defendant be given twice the number of challenges the state is given.

5. I recommend to the Legislature that a law be passed making it impossible for any child under sixteen years of age to commit a crime (this was the law until the recent case of In Re: Burris).

6. I recommend that counties having two or more divisions of District Court that the salary of one of the bailiffs be slightly increased and he be made a probation officer to assist the Judge in checking on paroles and thereby save the State much expense caused by imprisoning many citizens who could be rehabilitated if there was some supervision in the case of such paroles."

I am sorry I am unable to be personally present.

With best regards, I am

Very truly yours,

DONALD C. ALLEN.

PRESIDENT FLOOD: The next is the Report of the Committee on Criminal Law and Law Enforcement.

MR. CLARK: We have a Report from Mr. Allen, and a letter from him in today's mail saying that he would not be present. I think this report should be read. (Reads Report and recommendations.) Now, Mr. Allen says that Mr. Ed Rooney, one of the members of the Committee, objected to the Report recommending a change from the present set-up, changing the control from the State Board of Administration.

PRESIDENT FLOOD: Gentlemen, what shall we do with this report?

MR. HEGLER: I move that it be laid on the table.

PRESIDENT FLOOD: Is there a second?

MR. CLARK: Mr. Rooney takes issue with the suggestion that the Boys' and Girls' Industrial Schools be transferred from the State Board of Administration.

MR. HEGLER: I think the members of this association are familiar with this, and I recommend that it be laid on the table for future action. I think it is entirely too important to be passed on lightly. There was a battle royal over the jurisdiction of the Board of Social Welfare. From what I learned of the controversy, I think that a good deal of that fight grew out of certain things that certain members of the Board of Social Welfare has done, that has aroused the enmity of the Boards of County Commissioners of the state, and the bill passed the House, and the reason it was not passed by the Senate was because it would upset our entire social welfare system. The transfer of the management from one institution to the other would do that, and I don't think it should be done. There are serious contentions between those two institutions and other penal institutions. The Vocational School and the Girls' School are reformatory institutions, and the penitentiary and the Hutchinson School are penal. If the per-

sonnel of the Board of Social Welfare don't act in accordance with the will of the people of the state, there should be a change in the law.

VOICE: I think I agree. We have no authority to do anything of that kind. That is entirely within the province of the legislature.

MR. STEERMAN: If there is a change and a new man appointed — a man in whom I have a great deal of confidence — who will straighten out this difficulty. I think it would be out of place for this association to make any recommendation.

THE PRESIDENT: The motion is to lay the report on the table. (Motion carried and report is tabled.)

THE PRESIDENT: The next is the Report of the Committee on Probate Code.

MR. CLARK: The report states that the Committee has served its purpose, and contains the recommendation that it be no longer continued.

(Recommendation is adopted.)

THE PRESIDENT: The next is the Report of the Committee on Prospective Legislation. If there are no recommendations, it will be filed.

THE PRESIDENT: Next is the Report of the Committee on Taxation.

MR. CLARK: I have a letter from Mr. Asher in which he says: (Mr. Clark reads letter.)

THE PRESIDENT: Shall the committee be continued?

MR. STONE: I move the committee be continued until our next meeting. (Motion seconded and carried.)

To the President and Members of the Bar Association:

Your Committee on the Probate Code begs leave to make the following report.

The Committee has held no formal meetings but there has been some interchange of thoughts by correspondence.

A number of measures were offered at the 1943 session of the legislature, some of which were enacted into law and appear in the April 1943 issue of the Judicial Council Bulletin. Your chairman in frequent attendance at the legislative sessions and with the help of Judge Roy N. McCue of the Probate Court carefully scrutinized all proposed amendments to the Code.

We believe that the Committee has served its purposes and recommend that it be no longer continued.

WALTER T. CHANEY, *Chairman*
ROBERT H. COBEAN
SAMUEL E. BARTLETT
KARL W. ROOT
ALEX HOTCHKISS
EURIE F. BECKNER
L. PERRY BISHOP
L. L. MORGAN

REPORT OF COMMITTEE ON TAXATION

May 14, 1943.

Dear Mr. Clark:

I have written to all of the members of the Committee on Taxation and I am receiving replies from some of them but none of them seem to have any suggestions as to anything that requires to be embodied in a formal report at this time.

Several changes were made in the tax laws by the last legislature which have not had time to begin working and the income tax situation is in such an uncertain state that the Committee does not feel that any purpose would be served by commenting or recommending anything at this time.

It is believed therefore that we will not file any formal or detailed report which will require either to be printed or require discussion or the time of the Association.

I apprehend that there should be some kind of a short report if for no other reason than to advise the Association that the Committee has neither been idle nor neglectful but rather that there appears to be nothing which would be beneficial to anyone.

Very truly yours,

HENRY H. ASHER,
Chairman.

REPORT OF COMMITTEE ON LEGAL INSTITUTES—1942-1943

RECOMMENDATION.

Your Committee recommends that the Bar Association of the State of Kansas encourage and cooperate with the local, county or district Bar Associations throughout the State of Kansas, in holding "local Institutes," at such times and places as said local, county or district Associations determine, with the speakers and program at such Institutes provided from or by the membership of the local Association holding such Institutes.

REPORT.

Your Committee on Legal Institutes submits the following report as of May 28, 1943:

At the 1942 meeting of the Bar Association of Kansas, held at Wichita, it was resolved:

"That the legal Institutes Program of the Bar Association of the State of Kansas, be discontinued until restrictions on the sale of automobiles, tires, gasoline and other commodities or services, interfering with attendance at Legal Institutes, have ceased to exist";

therefore during the past year no official Institutes have been held and your Committee, much to its regret, is unable to report the holding of Institutes that have been so much worthwhile during recent years.

While existing conditions do not permit your Committee to recommend a resumption of the regular Legal Institutes Program, your Committee believes that interest in Legal Institutes may better be preserved by the State Association encouraging and recommending to local, county or district Bar Associations the holding of what might be termed "local Institutes." Such Institutes, and the program largely provided by the members of such local Associations, could, in the opinion of your committee, be profitably held on occasions of the openings of the terms of Court when the members of the Bar are brought together. Your Committee believes that sufficient talent exists among the membership of these different local associations to provide at least occasional worthwhile and educational "local Institutes" that could be held from time to time until changed conditions permitted the resumption of the worthwhile legal Institutes Program of the Kansas State Bar Association, of necessity interrupted in 1942.

Your Committee expresses its appreciation for the suggestions of members of the State Association leading to the recommendations of your Committee, above stated. Such suggestions indicate a laudable and continued interest on the part of the Bar generally in preserving the Legal Institutes idea.

Respectfully submitted,

E. B. MORGAN
ROY C. DAVIS
LOUIS R. GATES
BYRON M. GRAY
WILLIAM TINKER
THOMAS M. LILLARD, *Ex Officio*
KIRKE C. GEEDER, *Chairman*

THE PRESIDENT: The next is the Report of the Committee on Legal Institutes.

(Report is read.) What do you think as to whether or not the Bar Association should attempt, in the next year through local associations, to keep up our legal Institutes? We have more interest in our legal institutes than anything else. What do you wish to do about it?

MR. CLARK: The Committee recommends that the Bar Association co-operate * * * * (Reading recommendation.)

MR. PLATT: I think it is one of the most valuable things that this association has done. There was another thing that came up before the Judicial Council. We all know that we have a new tax law, or we will have — and last fall we had a sort of a symposium (I hope that is a good word) and we had a discussion by two men from the Federal Tax Department, and we discussed with them the new law. They did a fine job; but in talking with Judge Bennett yesterday he tells me that the Tax Commission is interested in having a man go out and instruct the people, and particularly the lawyers. It seems to me that it might be well to consider something of that kind.

THE PRESIDENT: Your motion is that the recommendation of the Committee be adopted?

MR. PLATT: Yes. (Motion seconded and carried.)

THE PRESIDENT: I notice Mr. Sheridan is present. I will ask him to make a Committee Report.

REPORT OF COMMITTEE ON BAR ORGANIZATION

MR. SHERIDAN: The Committee (Bar Organization) has just met and determined to make an oral report. Here is the rather sad story: I thought we put up a good, clean fight to get this measure through the Judicial Committee of the House, and put it through the Senate by a vote of 24 to 10, but we met our Waterloo in the House, and there were defeated by a vote of 58 to 39, so we had a difference of 19 votes. Ten would have passed the bill. In view of the history of bills which the Association has tried to pass the committee feels very much encouraged. We feel that it is a matter of time and education until this bill is enacted, and the Committee still feels that the integration of the bar is the answer to our problems. I think Byron Gray drafted the bill, and there was no objection to the form of the bill; but we were defeated on the grounds of regimentation and closed shop which, coming at this time, was a little bit too much for us. The Committee recommends that the incoming President be authorized to direct the Committee to continue its efforts to pass the bill as drafted, and that it be urged again at the next session of the legislature. I move the adoption of the report. (Seconded.)

MR. PLATT: I don't want to impose myself on you too much, but there is one feature of the recommendations that I want you to take into consideration. One of the principal objections we had to meet in the House was the form of the bill. In the eyes of some of the Judges it gave too much power to the members of the bar — that is, District Judges, I didn't talk to any members of the Supreme Court. Some of them to whom I talked thought it could be put in a better form. Two or three of our District Judges were opposed to it. Now as to the form, I doubt as to whether they were opposed to the integration of the bar, but the judges in those judicial districts were very much opposed to it, and defeated it. Of the other elements that entered into it, one was the fight on the floor, and all over the State House. Another was the Osteopathic bill — strange as it may seem. The trouble was that we were restricting everyone, and if they were not going to give the Osteopaths the right to practice medicine the lawyers should not have any more rights than the Osteopaths. I talked to some of the others who were bitter in their attitude, who had letters from the judges and members of the bar. I thought they would be for its passage, but they were not. There were several who came in afterwards and said they would favor a resolution authorizing the Supreme Court to enact, or lay down rules governing the bar which would do the same thing which we were trying to do, but would not give the same right to the bar as originally incorporated in the bill. It seems to me there would be no difference. I can see the condition on both sides. Maybe the

judges felt that the members of the bar were selfish in their recommendations, and wanted the court to pass the rules and regulations governing the bar. But it doesn't seem to me to make much difference, and I will be glad to have it passed in any form. The bill was killed in the House Committee so thoroughly that we didn't think it was worth while trying to get it out on the floor. There were a number of members of the bar who fought it bitterly that would have accepted this resolution. I think it is worth considering. I am not making any suggestions; I am saying that it is a matter for consideration. I think the bill in its present form will be passed, and I want to pay my respects to the Committee for the manner in which they conducted this battle to get it through. It looked to me as if the bill would pass, but it was surprising how the lawyers jumped up and changed their attitude. I can name a half a dozen who were in favor of it, but when it came to a vote, they were against it. Some of the outstanding lawyers of the state were opposed to it on account of theory of regimentation. I am convinced that it is a good thing and we ought to have it, and with proper handling and a continuation of the methods adopted by the committee, it will be passed.

MR. STONE: I, myself, feel that it would be better for the bar itself if the whole matter of the organizaton of the bar and the rules and regulations relating thereto, would be subject to the wise action of the Supreme Court, rather than the submission of the matter to the legislature. I have always been opposed to the old method of integration of the bar. This method has swept over the country going back several years. Those of you attending the meeting at Hutchinson will remember that the matter was up for discussion there, and I expressed myself there as opposing it for this reason. Lawyers should be able to handle the mechanics of the rules and regulations and what should be laid down, and not the legislature. I think we would be making a mistake to ask the legislature how to handle legal controversies. If we submit the matter to the legislature it will be subject to changes by them from time to time. We are subjecting ourselves to regulation by a body which is not made up of lawyers, and who are not familiar with the rules which obtain in the settlement of such controversies, and we are submitting ourselves to their mercy. Lawyers are arms of the court, and should continue to be. More than a century ago the English procedure was put back under the courts under the Court Reformation Act. We have recently in the United States, through Congress passed a law by which the laying down of the law of the machinery of justice is turned over to the Supreme Court, and through the Supreme Court rules of civil procedure were adopted. We would still have to go back to the legislature for the adoption of rules of civil procedure in harmony with the rules of federal procedure. Should it be necessary for us to go to the legislature and ask them to pass a law governing us for their determination from time to time? I very much favor a plan that will adopt a law that will restore to the Supreme Court that power which is inherent in the Supreme Court, to control the practice of law. I want to pay tribute to the intelligence with which this committee presented our recommendations last year, but I believe that the same committee should be free to bring back a modification, or a new report, and should consider whether it is not better, after all, to place ourselves in the hands of the Supreme Court. I move that the recommendation be amended, and that the committee should be free to consider what kind of legislation should be passed.

MR. RUSSELL: I second the motion.

MR. HEGLER: Mr. Stone, to be fair — do you think the Supreme Court could pass any resolution regulating this bar along the lines required?

MR. STONE: I think it has plenty of power that it took over itself some years ago, and to cure itself from that error, they should restore that power. Our Supreme Court has never usurped any power.

MR. HEGLER: Will it hamstring itself by relinquishing the power to govern the bar?

MR. STONE: No.

MR. HEGLER: The law says that the law makes the requirements, but the legislature can make reasonable regulations. I don't see why it would not be a good idea to ask the Court to take some action in this matter, without waiting for the legislature.

MR. STONE: I apprehend that the Supreme Court would much prefer to have some action by the legislature.

MR. MAYS: What percent of the lawyers would support that kind of a move?

MR. STONE: I really don't know about that. I heard from Mr. Platt that there were quite a number who would be willing to go that far. I don't oppose the measure. I didn't appear before the committee. I would not oppose the adoption of the law.

MR. MAYS: What number would oppose it?

MR. STONE: I suppose five or six percent of the lawyers in the legislature.

THE PRESIDENT: The question is on the amendment.

MR. SHERIDAN: There might not be a record of the personnel of the committee, and I think it might be proper to list the committee. The chairman are Riley W. McGregor, of Medicine Lodge, and myself; B. I. Litowich of Salina; W. A. Kahrs, of Wichita; E. S. McAnany of Kansas City, E. R. Sloan, Topeka, Tinkham Veale, Topeka; W. B. Harms, Wichita, Willard J. Haynes, Kansas City, and John Etling, of Kinsley. I believe that Mr. Stone is in error about the purpose of this bill. The object of the bill was the authorizing of the Supreme Court to make rules subject to a referendum of the members of the bar, and then the lawyers had a right to present a petition and call on the Supreme Court for such rules as might occur to them. The bill does not give the legislature the right to regulate the bar. The Supreme Court has the right to integrate the bar. Referendum was put on on account of a large element of the bar who thought that the lawyers should have some voice in the matter.

MR. LILLARD: I attended a committee hearing in the House and Senate, and I think the definite grounds of the opposition were these: The opponents felt, or at least argued, that this was a compulsory matter, going to everyone in the Association, and they felt that they should have the right to consent or not. They objected to the compulsory payment of an arbitrary charge. They argued that they were admitted to the practice, and as long as they behaved themselves they should be permitted to practice without paying an additional charge for permission to appear in court. Now those were the definite objections. On their face they had some persuasive power. We had enacted a bill in certain counties, notably Sedgwick and Reno, that provided for a library fee against every member of the bar, and anyone who did not pay that charge should not be permitted to practice in the county. They were free from any other assessments, and they were welcome. But the definite objection were they were forcing them into an association of something beyond the mere license to practice, and that they had a right to stay in or out. If we can eliminate those objections I think the main grounds for objection can be overcome.

MR. HEGLER: Those who killed this bill were not members of this Association. Now it occurs to me—I don't know whether there has been any effort to contact those members of the bar who are not members of the Association. We can put it in the *Bar Journal* and argue it pro and con—but why wouldn't it be a good idea to appropriate some money to spend on this matter, and put it in the hands of every member of the Bar Association in the State of Kansas?

A VOICE: The arguments of Mr. Hegler are very much in point. We have had a lot of trouble with this bill in the Senate, although we did have some bitter opposition from the members of the bar. Two years ago the Building & Loan people tried to get a bill through the House, and were in about the same situation that we are. They were not united, and a material per cent of those people were opposed to that bill, and it was defeated. I think our job is to sell the lawyers of the State of Kansas on the proposition that it is a good thing for the people at large. Now, as a mere suggestion, if that could be done it would be a happy solution. My recollection is that we had a bill two years ago authorizing the Supreme Court to adopt rules and regulations for the government of the lawyers of Kansas, and the same opposition appeared there. Now when we come back to this session we find that there were the same people who were prepared to fight this bill. It has been called to my attention that I did not vote for that bill two years ago. I was out of the state, and by reason of the fact that I did not vote for it, they assumed I would be against it. I think our first object is to sell ourselves on this bill.

THE PRESIDENT: Let's clear the atmosphere. Mr. Sheridan, representing this committee on bar integration, has made a report, and moved that this Bar Association's committee return at the next session of the legislature with a statement that we favor this bill, and that the bill we presented at the last session be adopted. The motion suggested is that instead of that, we recommend a bill giving to the Supreme Court the power to make rules and regulations. The motion is on the amendment.

MR. STONE: It was merely my suggestion that they consider that.

THE PRESIDENT: Then I understand the motion made by Mr. Sheridan and accepted by Mr. Stone is, that the committee's hands be not tied, but that they consider both sides of this, and that they still consider some form of regulation.

MR. HEGLER: I make a substitute motion, that the committee be authorized to present any bill they deem proper for the integration of the bar at the next session.

MR. STONE: I think it should be brought up before the next association meeting.

THE PRESIDENT: It is my idea that this motion should be amended that the committee make no recommendations.

MR. RUSSELL: I cannot agree with Mr. Hegler. The bill proposed gives the Supreme Court the power to pass rules and regulations. They can make them and mail them out; which means that the lawyers make their own rules. The lawyers are an arm of the court. Various states have an integrated bar. This integration is a particular term, but in all states that I know anything about which have integration, they still leave in the Supreme Court that power, and I think it is something that should be considered by the committee. Now this substitute motion is submitted, which is rather all-inclusive. I think there was some criticism of that, and I endorse the attitude of Mr. Stone.

MR. CLARK: I would like to ask Mr. Mays if there are so many lawyers in Kansas who are opposed to integration itself, that they cannot be sold on it?

MR. MAYS: You cannot give an answer to that. It will not make a lot of difference, but that is where the objection is coming from. They are very few in number, but you will know in November who will be—in November next year, and January.

MR. CLARK: I thought you said that you could not be sold on integration.

MR. MAYS: No.

MR. SHERIDAN: I agree with Mr. Mays. The time is too brief. I think the committee should make the contacts.

MR. PLATT: The objection to the integration of the bar came from members of this association who have taken no part and who, perhaps, have not been consulted about the matter. They are not here today. They may be in attendance, but they are not in the room. They have an idea that they were not being consulted. I have sort of an idea that we might do a little better job of handling these fellows by putting them actively into this work.

THE PRESIDENT: Are there any further remarks? Let's see if I can tell you where we are. The substitute motion is, in effect, that we have a committee on bar integration, and that they make a study of what is best to do and present a report to this association at the next session. Are there any further remarks?

(Motion is put and carried.)

THE PRESIDENT: I see in attendance our President-elect. I think you would like to meet him, and I am going to ask him to take charge of the meeting from this time on. Mr. Flood, will you come forward? Gentlemen, you all know

ED FLOOD: Gentlemen of the Association, and friends: It is needless to say that I am deeply appreciative of the honor to serve as President of this Association. To my mind, it is one of the great honors that can come to any Kansas lawyer. Having served some eight years on the Executive Council I assure you that while I appreciate the honor, I realize the responsibilities of this position. During the next year, with depleted ranks, with so many of our splendid young members in the service, and with depleted finances, we are going to have to put more push behind the job of carrying on.

REPORT OF SPECIAL COMMITTEE ON RESTATEMENT OF THE LAW

During the past year the work of the Special Committee on Restatement of the Law has been substantially curtailed for the following reasons:

1. The finances of the Association were such that all reasonable economies in expenditures seemed to be in order.

2. Some of the law students who had previously been employed to prepare Kansas annotations to the several subjects covered by published volumes of the Restatement of the Law had either graduated or entered the military service, so that it was difficult to obtain experienced and capable students for this work.

3. The more important subjects having already been annotated, delay in annotating the others did not appear to involve any serious detriment to the profession.

In view of these conditions the annotation work was confined to completion of one subject by Mr. Malone, student at Kansas University Law School, who had previously done a portion of the annotation work. This involved an expenditure of $90.00.

It would be the recommendation of the Committee that after the war emergency is over and conditions are upon a more normal basis, both as to finances of the Association and as to the availability of competent law students to do the work, the annotation of all remaining subjects covered by published volumes of Restatement of the Law be completed, but that in the meantime further work along this line be discontinued.

T. M. LILLARD, *Chairman*
THOMAS M. VAN CLEAVE
J. G. SOMERS
W. D. JOCHEMS

REPORT OF COMMITTEE ON PROFESSIONAL ETHICS

Your Committee on Professional Ethics begs leave to report on the activities of the committee for the year 1942-1943, as follows:

The committee has had under consideration nine complaints against attorneys who are members of the association or attorneys admitted to practice law in Kansas. The complaints have been made by individuals and attorneys, both from within and without the State of Kansas. These complaints, for the most part, have been handled by letters directed to the attorneys. In most instances they have been ironed out by correspondence. Complaints that have not thus been ironed out have been reported to the State Board of Law Examiners for consideration.

During the year the committee has had eight requests for reports on lawyers. These originate from applications of attorneys to practice before federal departments and tribunals as well as admission to the bar of other states.

We have had a request for an opinion of the committee on ethics. The following question was submitted:

> "Whether or not an attorney may, under any circumstances, while drafting a will for a client either directly or indirectly suggest that his name be included in the will as attorney for the executor thereof."

The committee was unanimous in the opinion that the attorney may not properly solicit business as above suggested.

Respectfully submitted,

E. R. SLOAN, *Chairman*
JAMES A. MCCLURE
CLYDE P. SCHENCK
JOHN W. BRAND
HAL E. HARLAN

REPORT OF COMMITTEE ON ADMINISTRATIVE LAW AND JUDICIAL ADMINISTRATION

To the Bar Association of the State of Kansas:

Your Committee on Administrative Law and Judicial Administration submits the following report:

During the past year the Legislative Council gave attention to the subject of administrative law and through its efforts Senate Bill 113 was passed by the Legislature. This act establishes a general uniformity in procedure and appeal in matters relating to motor vehicle fuels carrier's licenses, inheritance tax, income tax, cigarette tax, motor fuel tax, special fuel-use tax, retail sales tax and cereal malt beverages tax. In general the act

confers upon the Director of Revenue the power to issue licenses and permits, examine returns, make inspections, issue registration certificates, and to administer the laws enumerated;

confers upon the Commission of Revenue and Taxation the power to hear complaints (principally made by the Director of Revenue), to cancel permits and licenses, and to issue final orders;

provides that within sixty days after the act takes effect (publication in the statute book) the Commission shall adopt rules and regulations for pleadings, notices, requests, conduct and procedure;

contains appeal procedure; re-enacting some former provisions, settles venue, makes admissible the transcript of the proceedings before the Commission but recites that the appeal shall proceed as an original action, empowers the court to appoint referees to hear evidence and recommend findings of fact and conclusions of law, and enjoins the courts from enforcing any rule or regulation which it shall find to be unreasonable, arbitrary or capricious; and

engages the County Attorney to assist the State's Attorney in appeals.

Your Committee endeavored to co-operate with the Legislative Council and give it such assistance as it could. When the bill was being prepared the conclusion was reached that to write one law to govern the entire field would take coordinated and uninterrupted effort over a considerable period. The Council and this Committee do believe that the new act will at least eliminate the major objectionable feature of the old practice relating to these subjects and furnish clarity and some degree of uniformity, and that something further can be accomplished by future legislation. The Council is entitled to much credit for what it has accomplished.

This Committee is impressed with the fact that the practice before administrative boards and tribunals does, in the majority of cases, constitute the practice of law and that such right should be confined to those who are licensed therefor.

Respectfully submitted,

ROBERT L. WEBB
J. G. SOMERS
O. B. EIDSON
LARUE ROYCE
ALEX HOTCHKISS
LAWRENCE WEIGAND

REPORT OF COMMITTEE ON STANDARDS FOR TITLE OPINIONS

RECOMMENDATIONS

1. That a Committee on Standards with proper geographical distribution, be appointed for the coming year;

2. That tentative recommendations be published in the *State Bar Journal* of February, 1944.

The committee had hoped to have at least one meeting during the year and to submit to this convention a number of title questions and recommendations, supplementing and adding to the recommendations adopted in 1941 and 1942. However, on account of the war effort in which many attorneys are engaged and transportation difficulties, it seemed inadvisable to call the committee together.

A number of new and very interesting questions have been submitted this year, and some were inherited from 1942. Correspondence has been had with attorneys over the state and with the members of the committee as to action to be taken on these questions, but no final recommendations have been prepared and adopted by the committee. The work is still in the tentative stage.

It has been proposed that tentative questions and recommendations be prepared and submitted to title examiners for their approval or amendment before the final draft comes up for action at state bar meetings.

Your committee would, therefore, recommend that

(1) A committee on standards with the proper geographical distribution, be appointed for the coming year;

(2) A tentative report of the committee be printed in the February, 1944, *State Bar Journal* so that members of the Bar may study the recommendations prior to the holding of the convention of 1944.

Questions and recommendations from members of the bar have been helpful to committees heretofore appointed. This committee is certain they will be appreciated by any succeeding committee. Why should not attorneys note down irregularities which they find in the examination of titles and send them to the committee for consideration? Standards should be uniform over the state, and this can only be effected if every one is willing to aid in the work.

Printed pamphlets containing the recommendations adopted at the 1941 and 1942 meetings of the Bar may be obtained from the chairman of this committee at a cost of five cents a copy.

Chairman

REPORT OF COMMITTEE ON ABSTRACTS AND RELATIONS WITH ABSTRACTERS

The Committee on Abstracts and Relations with Abstracters submits the following report:

RECOMMENDATIONS

1. That the standards for preparation of abstracts set forth in this report be approved by the Association.

2. That a Committee on Abstracts and Relations with Abstracters be appointed for the ensuing year.

REPORT

This is the first full year of this Committee's existence. At the same time this Committee was created, shortly before the 1942 meeting of the Association, the President of the Kansas Title Association, which is an association of abstracters, appointed a similar Committee. Since that time these two Committees have met together and co-operated with each other with the purpose of bringing about the preparation of better abstracts in the State of Kansas. The members of the Committee of the Kansas Title Association are as follows: William Eddy, Marysville, Chairman; W. V. Young, Dighton; J. C. Creel, Jr., Parsons, and Cecil Kingery, Phillipsburg, alternate.

As is known to most of the lawyers of the state the various abstracts covering real property in this state, which are presented to Kansas lawyers for examination, have at the present time no uniformity in shape, style or content. Many of the early abstracts of the state were too briefly abstracted and many essential things were not shown at all or

not shown clearly enough. In the opinion of many lawyers the tendency on the part of abstracters in recent years has been rather to go to the other extreme and to make abstracts, particularly the part thereof showing court proceedings, virtual transcripts. Our Committee was very desirous of doing something about correcting this. The Committee of the State Title Association likewise wanted something done about the matter. There appeared to be a definite need for some pattern or set of standards which might be used by the abstracters of the state in the preparation of abstracts. In order to correct, as nearly as possible, this lack of uniformity and this tendency toward too large abstracts the abstracters were willing and in fact desirous that the lawyers should determine what those standards should be. Our Committee, therefore, undertook the task of preparing a set of standards to be used in the making of abstracts. In doing this we have consulted, by questionnaires and otherwise, with a large number of the lawyers of the state, particularly those known to specialize in title work, and we are very grateful for their help.

It is recognized, of course, that the various lawyers of the state differ in their individual ideas as to what an abstract should properly contain. The purpose of this Committee is to set forth standards which we believe should satisfy the requirements of most lawyers and at the same time do away with superfluity. Of course, where an individual lawyer thinks that the abstract he is examining should set forth something additional to that which is furnished under these standards he can very easily request that such additional showing shall be included in the abstract; but we do believe that if this is done it should be done with considerable restraint since the next examiner might not be so meticulous in his requirements. We earnestly believe that if these standards, as set forth herein, are followed, nothing else need be shown, except under the unusual circumstances, in order for the examiner to determine the state of the title to the property involved.

These standards prepared by our Committee have already been submitted to the Committee of the State Title Association and have received the approval not only of the Committee, but of the State Title Association itself.

The following constitute the standards recommended by our Committee:

STANDARDS FOR PREPARATION OF ABSTRACTS

1. All abstracts should be prepared on good, strong paper, not too heavy, which is either 8½ by 14 inches or 8½ by 11 inches in size, with not exceeding two entries to each page.

2. All entries should be numbered.

3. Printed or skeleton forms of abstracts requiring only the filling in of pertinent information by the abstracter should not be used, but each entire entry should be the original work of the abstracter.

4. Entries of written instruments being abstracted, as distinguished from court or other proceedings, should show the following: Nature of the instrument, date of the instrument, date of filing, place of recording, names of grantors, names of grantees, consideration, description, signatures of grantors, date of acknowledgment, and official before whom acknowledgment made. The entry should also show the presence of revenue stamps, where there are such. If the instrument contains any unusual provisions or any restrictive covenants they should be set out verbatim.

5. The abstract should show all grants, conveyances, or dedications of roads, highways and railroad rights-of-way involving the subject of the abstract.

6. Where the abstract includes a dedication of a town or city or additions thereto, the plat of such city or addition, or at least the portion thereof involved in the abstract, together with the location of the quarter corners, should be shown.

The abstract should also contain a drawing of the property involved where the descriptions are by metes and bounds, and also in all other cases where the drawing would be beneficial to the examiner. All railroads, highways, streets, easements and set-back lines should be shown on such drawing.

7. Descriptions should not be shown at an entry by merely stating that it is the

same as the description at some prior entry. All descriptions should be set out in full in each entry.

8. Releases of mortgages should not be shown by the abstracter by merely stating that the mortgage is released or that it is released by a named person or corporation, or in any other such manner. The entry should give sufficient information so that the examiner may tell that it is a valid release.

9. Releases and assignments of mortgages or other instruments should be abstracted immediately following the instrument which is released or assigned where it is possible to do so. This can be done where a new abstract is being prepared. Where it is not possible to do so, then the entry showing the mortgage or other instrument which is assigned or released should state at what entry the mortgage or other instrument is assigned or released.

10. Oil and gas leases and mineral deeds and royalty conveyances should ordinarily be set out verbatim in the abstract.

11. Where the abstract includes court proceedings, only part of the pleadings and other papers need be set out verbatim in the abstract. All other papers necessary to be included should either merely be noted as having been filed or should be abstracted only.

District Court Proceedings

The following instruments should be shown verbatim: affidavit to obtain service by publication, publication notice of summons and proof thereof, all notices of sales and proof thereof.

The petition should be abstracted, but subsequent pleadings, except where there is a cross-petition, need only be noted as filed. Where there is a cross-petition it should be abstracted.

Praecipes and similar instruments need not even be noted.

All other instruments including papers showing personal and residence service of summons should be abstracted only, although orders and judgments should be abstracted rather fully.

Probate Court Proceedings

The following instruments should be shown verbatim: all notices and proof thereof, last will and testament and codicils thereto, order approving final settlement and assigning property.

All other papers and instruments should be abstracted, although petition for final settlement should be abstracted rather fully.

Bankruptcy Proceedings

The following instruments should be shown verbatim: notice of first meeting of creditors and proof thereof, notice of hearing of petition to sell property and proof thereof, notice of time and place of sale and proof thereof.

The remainder of the proceedings may be abstracted.

12. Court proceedings should be included as an entry of the abstract in the same chronological order as the other instruments are included in the abstract.

13. Where the abstract shows a court proceeding in which there has been a judgment rendered the abstract should show whether or not an execution has ever been issued thereon.

14. All abstracts should be certified upon the uniform certificate adopted by the Kansas Title Association.

15. The certificate should show the payment of taxes by stating that "taxes for ——— (year) and all prior years paid in full," or some similar language, instead of showing only the status of the taxed affected by the extension of the abstract involved.

16. When an abstract is brought up to date the abstracter may either certify to the portion prepared by him on a new certificate or may use an extension certificate. Whether the abstracter should be required to furnish a complete new certificate to cover the entire abstract as distinguished from the portion prepared by him should be gov-

erned considerably by the reputation and ability of the abstracters who prepared the earlier entries therein.

17. Obvious defects in instruments should be underlined by the abstracter to call the attention of the examiner to the fact that the error is in the instrument and not on the part of the abstracter.

18. Original affidavits, former opinions of attorneys, old tax receipts, mortgages and other papers should not be clipped, stapled or otherwise affixed to abstracts. If they are proper instruments to be included in the abstract and are not already shown therein they should be recorded and either the original instrument inserted in the abstract as an entry or an entry should be made of the recorded instrument. Papers which are not properly part of the abstract should be detached from the abstract—with the permission of the owner of the abstract, of course.

19. The use of worn out, faded and obliterated abstracts should be discouraged. Where the abstract is in such shape that part of the information shown thereon is either obliterated or torn off, a new abstract, or at least a portion thereof, should be required.

20. Abstracters should proofread abstracts for errors before delivering them to their client.

21. After an abstract has been examined and returned to the purchaser or owner with the examiner's requirements attached thereto, the requirements should be complied with as nearly as possible and the abstract then returned to the examiner for a final opinion.

22. Abstracters should not attempt to give opinions upon the title of the property covered by the abstracts which they prepare.

The Committee has one or two other matters under consideration, but is not ready to report on them at the present time.

Respectfully submitted,

RALPH M. HOPE, *Chairman*
BARTON E. GRIFFITH
CHAS. W. GARRISON
THOMAS M. VAN CLEAVE, *Ex-Officio*

MR. FLOOD: The next is the report of the Committee on the Restatement of Law. I understand the report has been filed, and if there are no objections it will stand as adopted.

MR. FLOOD: The next is the report of the Committee on Professional Ethics. There is no action necessary, and it will be accepted as made.

MR. FLOOD: Next is the Report of the Committee on Administrative Law and Judicial Administration. The report has been filed, and no action is recommended.

MR. FLOOD: The next is the Report of the Committee on Standards for Title Opinions. Miss McGurnaghan, will you come forward and read your report?

MISS MCGURNAGHAN: (Reads report.) The only recommendation we have is that the Committee on Standards for Title Opinions be appointed for the coming year, and if we have a February *Bar Journal* that the tentative report be printed in the February *Bar Journal*, so that the attorneys over the state may read it and make any amendments or suggestions of any sort, so we can have a full report at the next meeting. I move the adoption of the report.

(Seconded and carried.)

MR. FLOOD: We have next the Report of the Committee on Relationship with Abstracters.

MR. HOPE: There are printed copies of this report around the room, and there are some recommendations about standards. This is not the same thing as Miss McGurnaghan's committee does, and we have tried to stay off of her territory. The purpose of this committee is to deal with abstracters, and to associate with them to point out what can be done to establish our relations. Mr. Sheridan, when he was President, made a speech, and at that time he and Mr. Phil Gray, President of the abstracters' association, tried to create a better feeling between the abstracters and the bar association; as a result of

which Senator Barton Griffith, Mr. Garrison and myself, as members of that committee prepared a report and recommendation that the committee be continued. Following that, we sent out questionnaires to different lawyers and abstracters to try to get a cross-section of the situation. Prior to that time we had met as a joint committee, and as a result the matter has grown to such an extent that an abstract is as carefully made as any other instrument of record, and so the committee, as a result of the ideas and suggestions made has prepared this standard which is included in the report. You will notice that the Title Association has approved these standards. The Bar Association has prepared these standards and submitted them with the recommendations of this committee. Mr. Eddy, chairman of that committee, not only submitted it to that committee, but to the Title Association, and I understand that the Title Association has approved it as set out here. Our lawyers have approved it. I move that the Committee report be adopted and that these standards be adopted, and that a similar committee be continued for the ensuing year.

(Motion seconded and carried.)

MR. FLOOD: The next is the Report of the Historical Committee. The report is on file, and will be received.

REPORT OF THE HISTORICAL COMMITTEE

Your committee recommends continuance of the Historical Committee for further work and inquiry, and for a more propitious time.

Notable advance has been made toward formal writing of the first chapter of legal history of Kansas. This is reflected particularly in the completion of compilation and the publication of an exhaustive volume indexing all bar association reports of the United States, thereby making readily available to our historians the Proceedings of Sixty Years of the Bar Association of Kansas. The Volume was promptly added to the state law library. The time is approaching for a cumulative index of the eleven volumes of the *Journal* of the state bar association already published. The Judicial Council of Kansas besides its cumulative index of its Bulletins to include July, 1938, made a further cumulation to include July, 1941. A list, not complete, has been made of the faculties of the law schools of the University of Kansas, and of Washburn from their beginnings, with a list of their legal publications of books and articles. The Index to Legal Periodicals from its first issue in 1908 has indexed the Kansas Lawyer to its discontinuance, as well as all legal periodicals since established. Constant accretions of legal history may be noted in all the annotations to published statute law of Kansas as prepared by the Reviser of Statutes. These are guides to sources for early writing of the legal history of Kansas.

J. C. RUPPENTHAL, *Chairman*
T. M. LILLARD
G. L. LIGHT

MR. FLOOD: The next is the report of the Judicial Council.

MR. THIELE: We do not have any formal report to make; but there are matters that the Council would like to call your attention to. One is, that we proposed to continue this year, as in the past, a list of lawyers in military service, and furnish the information to the Bar Association so it may be published in the *Journal* and in the *Bulletin*. Mr. Platt has spoken to you about a matter that we were asked to sponsor—a full and complete explanation about the income tax law, so it will be available to the lawyers before March 15th of the ensuing year. We have inaugurated a new feature in the *Bulletin*. From time to time legal literature is published that is not available which is in the interest of the administration of justice. A few years ago there was caused to be made a survey of the traffic statutes of the United States, and as a result of Mr. George Warren. We have asked Mr. Eldon Sloan to make a review of that book, which has been published. It is impossible to know what you are reading that will be of interest,

and we cannot ask you to review a book and send it in, but we would like to publish what we have in that connection.

The legislature has reduced our appropriation from $1750 to $1250, and it will cramp us somewhat. In that connection I want to call your attention to the fact that in the *Bulletin* we mention certain things that have been proposed. Now the Council is not composed of any wise men, and we ask for your comment. Frankly we are disappointed that we do not get more comments. There is a rule of the Supreme Court which supplements the Code. Reference has been made to the fact that there could be entries of appearance in the Probate Court if we could recommend a rule somewhat similar to that in the District Court. We have printed a suggested rule in the *Bulletin*, and asked for comments. You can see our problem. When we ask for information we would like to have it. In addition to that, there are things that come up in your practice constantly that you think would improve the administration of justice in the Probate and District courts. If you have any suggestions, we would like to have them. The only way we know that we can advance the administration of justice is to have the co-operation of those who are engaged in its administration.

MR. FLOOD: We will now receive the Report of the Resolutions Committee.

REPORT OF THE RESOLUTIONS COMMITTEE

Mr. Chairman, Ladies and Gentlemen:

As always at Topeka we have had a splendid meeting and great credit for the handling of the entertainment and the meeting must go to the members of the Topeka Bar Association. In these times, with rationing of food and transportation, their work has been increasingly difficult.

The Jayhawk Hotel has had its problems too because of the manpower shortage and the requirements with reference to the procurement of food. The hotel has done a splendid job under the circumstances.

As always the *Topeka Capital* and the *State Journal* have been most cooperative and much space has been devoted to the profession which brings to mind again the fact that there should be continuing close cooperation between the bar, the press, and the public.

With 442 lawyers in the service our meeting has been restricted in size and scope. We have fond memories of the many of our fellow members now in the service. May we hope that we will be able to have a meeting in Wichita next May and that all of these men may return to that gathering.

O. O. OSBORN, *Chairman*
CHARLES GARRISON
A. R. LAMB

(Report read by Mr. Clark, and adopted.)

MR. FLOOD: The next will be the Report of the Nominating Committee.

MR. SHERIDAN: Mr. President: Your nominating committee begs to report as follows:

President-elect: Everett E. Steerman, Emporia.
Vice President: J. G. Somers, Newton.
Secretary-Treasurer: Robert M. Clark, Topeka.

Executive Council

Second District: Thomas M. Lillard, Topeka.
Third District: Dallas W. Knapp, Coffeyville.
Sixth District: Claude I. DePew, Wichita.
Eighth District: Elmer E. Euwer, Goodland.

Mr. President: I move the adoption of the report.

MR. FLOOD: Are there any nominations from the floor for any of these offices? I take it there are none.

(Motion carried.)

MORE KANSAS LAWYERS IN THE ARMED SERVICES

Since the May issue of the *Journal* the Secretary's office has been advised that the following Kansas lawyers are in the service and this list supplements that list of 434 lawyers, making a total to date of 448 lawyers. The information has been secured from various sources and it is desirable to have advice if any corrections should be made.

Your secretary has the names of a number of other Kansas lawyers who have received commissions in the Navy but who have not as yet been called to active duty, and undoubtedly there will be a large number to report when the November issue of the *Journal* is published.

Anderson, Alfred J.....Iola
Aylward, Paul .....Topeka
Cobean, Robert H. .....Wellington
Fisher, David H. .....Topeka
Gleason, R. Douglas.....Mound City
Flick, Ted .....Kingman
Jeffrey, Balfour C.....Topeka
Jorgensen, J. Paul.....Wichita
Klamm, Walter G. .....Kansas City
Lewis, Phil H.....Topeka
Porter, Harry L. .....Columbus
Pugh, Richard Marcel.....Enterprise
Shriver, Garner E. .....Wichita
Stewart, Donald W.....Independence
Stumbo, Walter G. .....Topeka
Vieux, Fred R.....Augusta
Wiles, Ernest Edward.....Macksville

ROBERT M. CLARK, *Secretary-Treasurer*

The Journal of the Bar Association of the State of Kansas

Published Quarterly — August, November, February and May — Including Contributions and with the Co-Operation of the Washburn College School of Law and the University of Kansas School of Law.

$3.00 Per Year — Members $1.50 Per Year

Subscription price to individuals not members of the Bar Association of the State of Kansas, $3.00 per year. To those who are members of the Association, the price is $1.50 and is included in the annual dues, $5.00.

Subscribers who wish to discontinue their subscription at the end of the subscription period should notify the business office of the Journal; otherwise it will be assumed that a continuation of the subscription is desired. Business communications should be addressed to John F. Eberhardt, 608 Fourth National Bank Bldg., Wichita, Kansas.

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CONSTITUTION AND BY-LAWS OF THE BAR ASSOCIATION OF THE STATE OF KANSAS

CONSTITUTION

ARTICLE I — *Name and Object*

This Association shall be known as "The Bar Association of the State of Kansas." Its objects shall be to elevate the standard of professional learning and integrity, so as to inspire the greatest degree of respect for the efforts and influence of the bar in the administration of justice; and to cultivate fraternal relations among its members.

ARTICLE II — *Qualification for Membership*

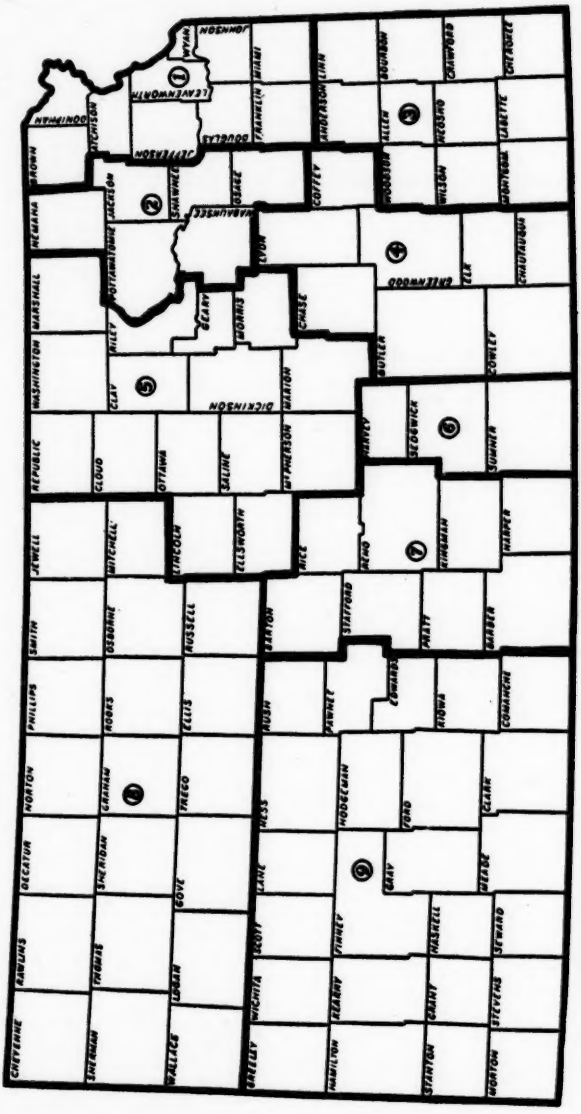
Any person who is a member in good standing of the Bar of the Supreme Court of the State of Kansas shall be eligible to membership in this Association on endorsement and election as provided by the By-Laws of this Association.

ARTICLE III — *Annual Meeting*

There shall be an annual meeting of the Association each year at such time and place as the Association shall determine at the previous annual meeting, or at such time and place as the executive council shall determine, if the previous annual meeting shall have taken no action thereon. Special meetings may be called at any time or place by the executive council upon thirty days' notice.

ARTICLE IV — *Officers of the Association*

The officers shall be elected at each annual meeting of the Association by a majority vote of those present and voting, and shall serve for the year beginning with the adjournment of the annual meeting at which they are elected and ending with the adjournment of the next annual meeting.



DISTRICT ORGANIZATION OF THE ASSOCIATION AS ADOPTED AT TOPEKA ON MAY 23, 1941

The officers of the Association shall be a President, President-Elect, Vice President, Secretary-Treasurer and an Executive Council. The President, President-Elect, Vice President, and Secretary-Treasurer shall be ex-officio members of the Excutive Council.

An Executive Council consisting of nine members, one to be elected from each of the following districts for a term of two years:

DISTRICT No. 1 comprising the Counties of Brown, Doniphan, Atchison, Jefferson, Leavenworth, Douglas, Wyandotte, Johnson, Franklin, Miami.

DISTRICT No. 2 comprising the Counties of Nemaha, Pottawatomie, Jackson, Wabaunsee, Shawnee, Osage.

DISTRICT No. 3 comprising the Counties of Anderson, Linn, Woodson, Allen, Bourbon, Wilson, Neosho, Crawford, Montgomery, Labette, Cherokee.

DISTRICT No. 4 comprising the Counties of Lyon, Chase, Coffey, Butler, Greenwood, Cowley, Elk, Chautauqua.

DISTRICT No. 5 comprising the Counties of Republic, Washington, Marshall, Cloud, Clay, Riley, Lincoln, Ottawa, Dickinson, Geary, Ellsworth, Saline, Morris, McPherson, Marion.

DISTRICT No. 6 comprising the Counties of Harvey, Sedgwick, Sumner.

DISTRICT No. 7 comprising the Counties of Barton, Rice, Stafford, Reno, Pratt, Kingman, Barber, Harper.

DISTRICT No. 8 comprising the Counties of Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Wallace, Logan, Grove, Trego, Ellis, Russell.

DISTRICT No. 9 comprising the Counties of Greeley, Wichita, Scott, Lane, Ness, Rush, Hamilton, Kearney, Finney, Hodgeman, Pawnee, Edwards, Stanton, Grant, Haskell, Gray, Ford, Kiowa, Morton, Stevens, Seward, Meade, Clark, Comanche.

Those from the First, Fourth, Fifth, Seventh, and Ninth Districts to be elected in even numbered years, and those from the Second, Third, Sixth, and Eighth to be elected in odd numbered years.

There shall also be elected at the annual meeting a state Bar Delegate to the House of Delegates of the American Bar Association, who shall serve for two (2) years in accordance with the Constitution and By-Laws of the American Bar Association.

ARTICLE V — *Duties of Officers*

The President shall preside at all annual meetings of the Association, and shall, ex-officio, be chairman of the executive council and perform such duties as may be delegated to him by the Executive Council.

The President-elect shall preside in the absence of the President and it shall be his duty during his term of office to supervise and carry forward the membership work of the Association.

The Vice President shall preside when both the President and President-elect are absent.

The Secretary-Treasurer shall keep a record of all proceedings of the Association, conduct correspondence of the Association, have printed and issue committee reports, and keep an account of all funds of the Association.

The Executive Council shall manage the affairs of the Association subject to the Constitution and By-Laws.

ARTICLE VI — *Quorum*

A quorum for the transaction of business at meetings of the Association shall be a minimum of twenty members.

ARTICLE VII — *Amendment of Constitution*

This Constitution may be amended by the affirmative vote of two-thirds of the members present at any session of the Association, provided that a copy in writing of the proposed amendment be mailed to the secretary-treasurer of the Association not less than ninety days before any meeting of the Association, and that the secretary-treasurer

cause a copy of said amendment to be given to each officer and member of the executive council of the Association and cause the proposed amendment to be printed in the *Journal* of the Bar Association in the issue preceding the annual meeting.

ARTICLE VIII — *Adoption and Amendment of By-Laws*

Following the adoption of this Constitution, by-laws may be adopted at the first annual meeting thereafter by a majority vote of the members present. By-laws once adopted may be altered, amended, or repealed by the affirmative vote of a majority of the members present at any session of the Association, provided that a copy in writing of the proposed amendment be mailed to the secretary-treasurer of the Association not less than ninety days before the next meeting of the Association, and that the secretary-treasurer cause a copy of the said amendment to be given to each officer and member of the executive council of the Association and cause the proposed amendment to be printed in the issue of the *Journal* preceding the annual meeting.

ARTICLE IX — *Taking Effect of this Constitution*

All provisions of the constitution and by-laws of the Association heretofore existing are hereby repealed and the provisions hereof shall be in full force and effect from and after the date of their adoption by the Association.

PROVIDED, That all officers and members of the Executive Council shall continue to serve until their present terms are completed.

BY-LAWS

SECTION I — *Membership*

All applications for membership shall be referred to the Executive Council who shall report the same to the Association with their recommendations thereon; and no person shall be admitted to membership except by a two-thirds vote of the members present. The membership fees shall be as follows:

1. First year after admission to the bar.....$1.50
2. Second year after admission to the bar..... 3.00
3. Third year after admission to the bar 4.50
4. Each year after third year..... 5.00

Annual dues shall be paid in advance on or before the first day of January of each year.

All members who have not so paid their annual dues shall be notified of this fact prior to the first of each subsequent month thereafter and be requested to forthwith comply with the requirements of this by-law.

The Secretary-Treasurer shall twenty days before the first day of August each year notify all active members in arrears that the roll of active members to be printed in annual report of the proceedings in the August issue of the *Journal* will be made up on August 1st and that their names will be omitted from that published roll and they will cease to receive subsequent issues of the *Journal* unless their delinquent dues are paid by August 1st.

Any member whose name has been omitted from the active membership roll for non-payment of dues may have his name restored to the succeeding roll and be reinstated to the list of those who receive the *Journal* by the payment of the year's dues for which he is in arrears and the payment of dues for the current year.

Lawyers admitted to practice in other states prior to their admittance in Kansas shall be construed to be subject to dues payments under the above schedule as of the date of their admittance in such other state.

The Executive Council of the Association may upon proper written request and adequate proof designate those who are not in active practice, because of age as inactive members who shall be entitled to membership in the Association without payment of dues.

Law School Students of the University of Kansas Law School and Washburn College Law School may be enrolled as student associates and will be furnished with the Bar *Journals* at $1.50 per year.

SECTION II — *Annual Meeting*

The program at the annual meeting of the Association shall be arranged by a committee of not less than five members designated by the Executive Council. At each annual meeting of the Association the President shall deliver an appropriate address.

SECTION III — *Officers of the Association*

All officers of the Association shall perform the duties usually performed by such officers, together with such duties as are prescribed by the constitution or by-laws or by the executive council.

The President-Elect shall attend all meetings of the Council; shall familiarize himself with the personnel and work of the various committees and of this Association in general; shall be ready to counsel with the President on matters affecting the future of this Association; and shall otherwise prepare himself for assuming the presidency of this Association at the proper time.

The Secretary-Treasurer's financial report shall be examined and audited by a certified or licensed public accountant as of May 1st each year.

SECTION IV — *The Journal*

The *Journal* of the Bar Association of the State of Kansas shall be conducted by a Board of Editors which shall consist of at least eight members to be appointed by the Executive Council. The Editor-in-Chief shall be designated by the Council and shall hold office at its pleasure. The receipts derived from advertising, *Journal* sales, and any other source, shall be turned to the Secretary-Treasurer of the State Bar Association and all costs of publication and other necessary expenses shall be paid by the Secretary-Treasurer.

SECTION V — *Committees*

The following standing committees shall be appointed annually by the President, each to consist of the number of members designated, to serve for the year ensuing and until their respective successors are appointed. The President shall designate the chairman and shall notify the members of the committee of their appointment:

1. Committee on prespective legislation.
2. Committee on amendment of laws and uniform legislation.
3. Professional Ethics.
4. Memorial Committee.
5. Committee on Legal Education and Admission to the Bar.
6. Committee on Local Bar Associations.
7. Committee on Membership.
8. Program Committee.
9. Historical Committee.

In addition to the aforesaid standing committees, the President shall appoint such special committees as the Executive Council may authorize and such committees shall perform the duties prescribed by the Executive Council. A majority of the members of any committee shall constitute a quorum. Each of such standing committees may meet on the call of its chairman at such place and time as the chairman shall designate. Each committee shall make a report in writing and shall place it on file with the Secretary-Treasurer at least twenty-five days in advance of the annual meeting.

SECTION VI

The Executive Council shall meet during the recess of the Association upon the call of the chairman or upon a written call signed by a majority of the members of the Executive Council at such times and places as may be designated in the call.

SECTION VII

Membership in this Association, in addition to other requirements, shall carry with it the obligation of each member to subscribe to and carry out in his professional life the

Code of Ethics adopted by the Association for the guidance of its members, and violation of the provision of such code shall be followed by suspension or expulsion of the offending member as may be determined by the Executive Council.

SECTION VIII

The Executive Council shall constitute a court before whom shall be tried any member accused of violating the Code of Ethics, and procedure before such tribunal shall be such as it may prescribe by rule, of which the accused shall have due notice. A majority of such Council as constituted shall be sufficient to pronounce judgment. Complaints may be entertained by the Executive Council when presented by any member of the Association or the Council itself may require the Secretary of the Association to prefer charges, in which event the Council shall designate one or more members of the Association to prosecute the charge. In the event any member is suspended or expelled by the decision of the Executive Council he shall forthwith surrender his certificate of membership.

SECTION IX

The fiscal year of the Association shall correspond to the calendar year and dues shall be payable in advance.

SECTION X

The Secretary-Treasurer of the Association is authorized to pay such expenses as are necessarily incurred in carrying on the activities of the Association, including actual hotel and traveling expenses incurred by the officers, Executive Council and committees of the Association, and including the necessary stenographic expense incident to the conduct of the affairs of the Association.

SECTION XI

All by-laws of the Association heretofore existing are hereby repealed and the provisions hereof shall be in full force and effect from and after the date of their adoption by the Association.

BATTLE PRATTLE

Ye editor trusts that the next time he tries a lawsuit Judge J. C. Ruppenthal, Barney Barnett, and Bob Clark will be in the jury box. To date, our impassioned pleas for letters from lawyers in the services have moved only the aforesaid three gentlemen. Fortunately, however, they have sent in enough excerpts to permit our maintaining the column. On bended knee we ask the rest of you to mail us those letters you receive from the boys at war, or to turn them over to Barney when he comes in to sell you *Corpus Juris Tercentenary* with red and green pocket supplement attached.

Lt. Charlie Rooney, Camp Livingston, La., writes Bob Mason as follows (dated: Sat.):

"My, my, you are . . . poor at writing. Last time you wrote, say 3 months ago, it was a note and you said you would write all the news soon. So what? I was transferred to Ordnance 2 weeks ago and sent here. Am Property Officer for the 8th Service Command. Have around $4,000,000.00 worth of parts, etc., for vehicles. Have 62 civilian employees and we do a . . . of a big business. I sure like it. Am entitled on the job to a captaincy, so perhaps it will come along in July. When I left Camp Swift, Alice went home. She is back working in post office.

"This camp is 10 m. north of Alexandria. You should have some law business here, Bob. Bing Bartell is here. Remember him? He is a captain in M.P. Believe me, I wasted no time in removing the cross pistols insignia of J. P. and putting on the . . . (ordnance insignia)."

Bob Mason also rated this from *Lt. Col. D. Arthur Walker,* commanding officer of the army air base as Alliance, Neb., written April 5, 1943:

"McGugin has received his promotion, I hear, and should be an example in military appearance and bearing of about everything a major should not have. The last story I got concerning him was that he walked into a Club car where there was a full Colonel and two attractive ladies sitting consuming some after-dinner liquors and McGugin walked over, introduced himself, stepped across the aisle, took off his shoes, put his feet up in a chair, and was sound asleep and snoring all in less than five minutes time. Seriously, he is doing a good job as Administrative Inspector and stands very well with the Command.

"About two weeks ago I was at Patterson Field and ran across Carl Smith and we flew him back to Wichita for a visit and just as the ship landed a message came in for him to immediately return to Dayton that his office was on the 'alert.' He too is doing a good job there and I know he would appreciate it if you would drop him a line."

We might add that from all appearances and reports D. Arthur seems to be doing one whale of a job himself, which will surprise no one who knows him.

The following are a number of excerpts from various letters written to his father by *Major L. H. Ruppenthal,* Judge Advocate, stationed on the African Gold Coast:

June 30, 1943 — "I am having the attorney general, his wife, and another judge advocate over to chop tomorrow evening. We should have an interesting time with three lawyers and a lawyer's wife.

July 6 — "I have finished with my first class in Military Law and haven't yet started another. There has been so much going on lately that I suppose they have forgotten it, which is just as well for me. [NOTE — Classes he teaches.] July 4 was so rainy all day that the parade planned was cancelled and the opening show in the new theater was drizzled out. Last night, about five, the base commander came by with a speech he was to give at a sort of dedication of the new theater. He had a frog in his throat and asked me to read his speech over the public address system, which I did that evening. It was my first experience at public speaking here.

July 11 — "Met and visited with Eric Sevareid, the Columbia war correspondent, last night. He is eastbound now.

"Received a field library which was shipped in November, the other day. It duplicates some of the books I have received from other sources than the JAG library, but I can use the duplicates in the branch offices which I will establish along the line, as soon as my new personnel arrives. I have three captains coming on duty in claims and investigation work as well as to assist the local station commanders in JA and military justice work. If our headquarters are relocated, I expect to spend more time on the road, visiting stations and branches. It will give me more opportunity for administrative work and establishment of policies, leaving much of the detail which I have had to do thus far, to assistants. It will also give me personnel to use as Law Members to sit on General Courts, or permit me to sit myself on occasion, instead of having to take some lawyer from another branch of service for that job. I cannot sit now because I have to review the records when completed.

July 18 — "Some of my leatherette bound books have been getting mouldy and I have discovered that wiping them with a solution of formaldehyde kills the mould and keeps them free for the time. Don't know how long it will last.

"Had an interesting visit with one of the Egyptian officials who had been in the States for the Food Conference. He was enthused that the conference was not run by and for the major powers represented and that there was a sincere desire expressed to handle post-war distribution of food for the good of all. Egypt is a breadbasket for much of the Middle East, yet needs to import so many non-food items. They want fertilizers so that they can get 3 to 4 crops off the land in the Valley of the Nile.

July 28 — "The General told me yesterday that a c.o. wanted me to come up and give a course in Military Law for ten days or so to his officers. So I should be going upon the Mediterranean next week. Hope to stop at other coast cities in West and North Africa while I am away.

"Received another shipment of books yesterday. Now I have triplicates of a lot of law books which will make it possible to equip the offices of AA's in lower headquarters when they get here and are assigned. Under the new General, we are required to take Wednesday afternoons off for exercise, as well as Sunday afternoons. If we do not exercise on Wednesdays we are expected to be at our desks.

August 1 — "Friday afternoon, along with other staff members representing both Wing and USAFICA, to burial services of nine African and one British soldier who had been killed in an accident the previous night. The burial took place in the military section of one of the local cemeteries. The British soldier was buried with Church of England rites; the Africans with Roman Catholic, Church of England, and pagan rites. The chaplains officiating were British and American. [Then follows much detail of the ceremonies.]

August 3 — "It is nice and sunny today — the first in many days. [NOTE: Almost on the equator.] It seems quite cool here now, although I doubt if the temperature ever falls below 75. The Africans seem to be cold most of the time, and our personnel wear wools now and then. At the movie, the breeze is chilly enough to justify wearing a field jacket most of the time.

"Am reading Farson's *Behind God's Back*. His slant on Kenya, his anecdotes concerning the attitude of the English settler there toward the Government in London, is typical of what I found them to be. The British do not agree with his political analysis."

FIRESIDE CHATS

Conducted by

GROVER PIERPONT

of the 18th Judicial District

This issue completes ten years of "Fireside Chats." What started out as an effort on the part of "Gene" Stanley and myself to put something a little different in the BAR JOURNAL has gone on interminably.

☆

Sometimes when I think of the lawyers in service I wonder if when they come back they are going to find the courts as they expected them to be. The executive may fall and the legislative become of no avail, but so long as the American courts retain their independence and freedom of trial and decision the government will stand. But take away our court system and there will be very little left on which to stand. Perhaps you think that is going a little too far. You are invited to study history and government, so far as we have a record, and then decide for yourself.

☆

One thing the absent lawyer is going to have to struggle with when he comes back, is the probate code or the probate court. Perhaps the latter. Maybe our Supreme Court will have fixed the jurisdiction and duties of the probate court by that time but one thing the higher court can't remedy is the probate court itself.

☆

Looks like a case of getting the cart ahead of the horse. Let's agree that the code is a wonderful composition and then let's look around to see who is going to administer it. Of course our probate courts have been a great institution but they were not intended to operate under the new code. One to be a judge of a probate court under the code should have at least all the qualifications of a district judge. Can the legislature establish such a situation? Well, you know the pressure that will be exerted to prevent any changes in personnel due to tightening up of requirements. But honestly can you conceive of anyone who is not a competent lawyer presiding over a probate court under the new code as interpreted in the decisions?

☆

Justice Smith interests one in his remarks in a dissenting opinion published in recent advance sheets. He is perfectly willing that probate judges have equity powers, what some folks call the use of good, ordinary horse sense, but cannot subscribe to the extended jurisdiction given by the code as decided by the Supreme Court. Now it's quite likely what he had in mind was not that he objected to powers but that he was thinking about some probate judges that he knew and wondering what they would do with so much power.

☆

More or less incidentally he calls up the assertion that right of appeal supplies all that is necessary to guarantee trial by jury. Of course that comes from an old decision which said that right of appeal from a police court assured a defendant the right of jury trial. That argument has never "clicked" in my mind. It may be that I have seen too many convicted in police court who were compelled to pay fines or serve time because they could not supply bond or employ an attorney for appeal.

☆

One case of long ago comes now to my mind. A certain Negro was charged with liquor in possession. His wife came and begged me to defend him. I tried to tell her I did little police work but she would not have it. The police judge convicted the colored man. I saw that his appeal was perfected. He was tried before Judge Sargent. The jury was out not over five minutes, returning a verdict of "Not guilty." I knew the verdict to be correct because of personal investigation made, but without this intervention he would have served time on the city farm, although innocent. Was the right of

jury trial guaranteed to him by the right of prompt appeal? Most certainly not. Only the intervention of an attorney who was willing to see the matter through, without regard to compensation or time, secured a jury trial and justice for him. Day after day you can, without any effort, learn of people who pay their fines and take a parole simply because they cannot afford an appeal and trial. The number depends on what kind of a police judge a city has. Also whether he is willing to make his office a collecting agency for city revenue or is inclined to see that some sort of real justice is administered.

☆

Great days we are living in. Riding on the bus the other evening and listening to the conversation of two former yard and lawn caretakers I learned that, counting their overtime, each was making about the same as the governor of Kansas and of course more than the salaries of any judge lower than the Supreme Court. "But," said one of them, "that there income tax sure do cut a hole in the salary check."

I don't think the boys in the service need to worry too much about the high pay of the ones at home for the conversation indicated that neither of them would have enough left at the end of the month to take a hand even in "rolling the dice." Easy come and you know the rest.

☆

A lot has been said pro and con in the last two issues of the *Sat. Eve. Post* about justice in the courts. You have read both articles, probably, and formed your own opinion. Naturally there must be some truth to the claims of failure of justice and yet are we ready to go to the extent of having the government intervene when requested in civil law suits? Just calling your attention to these discussions in case you missed them.

☆

Glenn Porter had just been down to Washington practicing before a commission and incidentally stopping off at Fort Knox to see his son, just missing a plane that crashed, killing ten — and such things. Well, after getting back he had this observation to make: "I told them I was going back to Wichita and get myself appointed in a good criminal case and practice courtroom law once more just to see how it would go." He has an idea there. From talks with many lawyers it appears as if the good old days of practice before the court and jury are almost gone. And yet, will they not come back again?

Can it be that this country, after the war, will consent to be commission governed? In other words, combining the legislative, executive and judicial in one tribunal, for that is about what it amounts to. It may be that I am somewhat prejudiced against so many commissions, being a product of the old school, but let me stop long enough to predict that unless a halt is called America will find itself in a situation greatly detrimental to its future. It is not entirely wrong to say that courts have been partly to blame for the situation. Perhaps they have been too willing to approve legislative action or executive desire or decree, and have not sensed the inherent danger.

It's quite all right to say the legislature represents the people and the people rule. By that same reasoning we hold as "general" hundreds of legislative acts which we know to be "special." We permit by extension of power the creation of boards, commissions, committees and approve their acts when we know that it should not be done. Who is to be the anchor for democracy if not the courts? Certainly the unwritten law of the fathers as to succession in office is of no avail, the well-known economic principle that a few cannot support the many in government positions is forgotten, the trite saying borrowed from a former President that "a public office is a public trust" is now a waste-basket proposition in many places. Shall the courts go with the rest?

☆

Major "Bill" Ward from Camp Mackall, N. C., writes: "Sometimes I get an itch to get into a courtroom again." Best guess is that he means a real old-fashioned courtroom with a judge, a jury, a bailiff and a reporter, not one with a long table and a half dozen commissioners lounging in flannels with cigarets hanging from their lips, while they "hear the evidence." Well, guess I said too much.

☆

Anyway, Major "Bill" continues: "I am on several military courts but that isn't the answer to the feeling." What feeling? Why, the feeling in the last paragraph about a real court. The major is thinking of something else found in this expression, "The spearhead of the next big operation (censored)." And if he comes through all that, he, along with fifty others from Wichita and hundreds from Kansas, will expect to find the courts in operation. It's up to us to keep them going.

The other day I learned that the heart is kept going by a separate system known as the coronary artery. Work all you want to and the coronary keeps cool. Only trouble, it often decides to quit when you are resting and that brings the funeral. The legal profession needs a coronary artery and the court comes as near filling the bill as anything. Difference is it must not decide to quit in these days of emergency. It acts through its officers, the lawyers, and working together courts and lawyers can be a brake on the world when it tries to run away. Brighter days are coming. Days when we will wonder that this was written or that we bothered to read it. Is it not so? *N'est-ce pas?*

HASH

Country Style

By R. S. BARNETT
5707 Cherry Street, Kansas City, Missouri

Ben Jones of Lyons lost his mother the middle of last March. I was somewhat late hearing of this, but not too late to extend condolences.

Bronce Jackson of Lyons thinks because he can lift a 50-foot length of pipe out of a well hole, and do it alone, that the navy should take him on for active sea duty. I agree with him — the navy is overlooking a bet. With a little training and a can of spinach, Bronce could lift a destroyer out of dry dock and put her in the drink — and by himself, too.

Lester Morris, late of the Foulston office in Wichita, is now set up in the Brown Building in a nobby private office by himself. He is chief looker after of the legal end of the Hollow Drilling Company.

Catherine Weisner, late of the Oswold-Fontron office at Hutchinson, is now a 2nd lieutenant in the WAC's stationed at Omaha, detailed to active duty. I saw Catherine, or, rather, Lieutenant Weisner, the other evening at Omaha and she says army life is as thrilling for women as for men. She enjoys it very much. I can vouch for the fact she takes it very seriously and adds a lot to a uniform.

I saw Russell Stevens of Wyandotte at Independence the other night. He is being transferred from Omaha back down to Kansas.

Tudor Nellor I saw on the street in Kansas City, Missouri — another member of that bar. He is now connected with the infantry with a rank of lieutenant. It was nice seeing Tudor.

I flew in on the beam a few days ago and landed, four point, on the legal department of the Cities Service Oil Company at Bartlesville, Oklahoma. A rather important conference was in progress, not only in the head office but with N. Y. City by telephone as well. I had just spent 10 days in Tulsa where the bar was all strange to me. Frankly, I don't like to get so far away from my Kansas friends. Seeing Mills Ebright, Jack Stites, Joe Ralston, Bob Mason, Jim Cullinson, et al., sort of provided a fitting climax to the sojourn down in the Oil Capital where I met a bunch of lawyers sometimes 5 to 20 deep in the offices of the major companies — and then to the Tulsa Bar. I met most of those lawyers for the first time, but they don't jive with me like the Kansas boys. I started to say something at the conference in the front office, got off the "beam" again. When I was finally announced at

the Bartlesville office, the conference halted, N. Y. waited, and we checked up on the Kansas Bar for some time. Sure nice to have a lot of good friends, and I know they were as glad to see me and find out about Kansas doings as I was to see them.

There was recently a bar meeting at Topeka which considered "all the angles." Not a bad "go" — lots of the boys away, no transportation, no show, no refreshments, and not much crowd, but those who went had a good time. Bill Litowich was like a man on one leg without La Rue Royce — he lagged a little. Claude Chalfant and Bill Carey left Ellis Bever alone which cramped his style some. Doug Hudson made his annual address to the shorthand reporters. I didn't hear it, but I know Doug; so — the address was good. He was so badly tuckered out after finishing I had to take him in tow for a while. Barney and Mrs. Sheridan were both there with the usual Sheridan hospitality. Jack Stites and Joe Ralston I missed. Bob Mason and Jim Cullison renewed a lot of acquaintances. Col. Art Walker was there. I understand he flew down from Alliance, Nebraska. Don't know whether Bill Cunningham and John Boyce flew up, but they were there to greet Art. Mike Casey, Bob Webb, Bart Griffith, and a lot of others worked at it. Bob Clark and the hotels had some trouble on the food question. Lots of things happened I could write about, but those there saw and heard and those who weren't shouldn't be told — they should come and help the deal along.

Ed McAnay of K. C., Kans., lost a brother and had to remain away from the meeting — his first meeting miss in a long time. I know the Bar extends its sympathy.

Tote Carson has a job in the Inheritance Tax Department. The State of Kansas got a good boy and Kansas City, Kan., lost one.

The Wyandotte County crowd made a fine attendance at the bar meet — flocks of them there. Those Wyandotte County boys do things in a big way. I didn't count them, but I'll wager 35 or more were there.

Dan McCarty of Hays has fallen by the wayside — so rumor has it: a blonde, an open car, and a bottle. Mrs. McCarty found the bottle. The blonde ran off with the car. All of which sort of put Dan on the spot. The last time I saw him he seemed to be having some difficulty making the story stick. I hope the folks back home don't get on to it.

Pat Pedroja lost his new strat sombrero — one he had just bought in the heat of the day — and also the heat of a debate. Someone switched hats. I don't know who did it and wouldn't tell Pat if I did, but Judge Teeple of Mankato might know something about it.

Jake Dickinson of Topeka begot himself a nice baby girl. Congratulations, Jake — I did enjoy the candy.

Tige Harney has been discharged from the army for physical disability and has opened an office in the Columbian Building with Doral Hawks.

Clarence Beck took Jeff Robertson's place on the Corporation Commission. Jeff is in the army at Ann Arbor, and Clarence is ferrying between Topeka and Emporia.

Judge Harry Allen and Lewis Ocecough have formed an association or an office arrangement in the Insurance Building in Topeka. They have quite a layout. Judge Allen says business is good.

John Blood and Vince Hiebsch have gotten together in one suite on the sixth floor of the Schweiter Building in Wichita.

Mrs. Henry Martz of Wichita has been very sick, but is now recovering. My information is she is out of danger, which must be a relief to Henry.

Jim Nash and Armine Weiskirck went back to Washington to help the administration soothe Congress and to find out why O.P.A. was having trouble getting an appropriation. I have noticed since that Congress relented, Chester Davis got fired, Henry Wallace and Jesse Jones kissed and made up, President Roosevelt began making the peace, and the boys returned home well satisfied with a day's work — and better off for having made the trip by train. Don't know why the boys in Washington don't come back to Kansas for help.

Mrs. Rod Henry of Garnett died about the middle of June. The bar certainly extends to Rod its sympathy.

C. A. Randolph, a 1918 K. U. graduate, asked to be remembered to all the bunch he knew there at K.U. He expressed some regret at not seeing any of the old K.U. boys at the 25th reunion this spring, and extends an invitation to all to come and see him at his office in the Commerce Building, K. C., Mo.

Earl Swaner of K. C., Kans., got in the thing one day and seemed to land in India next day. Mrs. Swaner said he had seen some front line action, wherever it was, and was very much impressed with what he saw in India of Allied preparation, the British army, and the Indian people in general.

Bill Tousend of Topeka is in with the Lillard firm. I don't know but assume Bill will help out when Phil Lewis reports to the navy.

Gordon Sloan, formerly of Topeka and now at Astoria, Oregon, has been taken into a firm there as a partner. The firm is Fulton and Sloan.

Guy Ward, assistant Attorney General, is now stationed at Camp Ritchie, Maryland. I saw Nels Ward, his father, at Belleville the other day. He said Guy liked the army but wanted to return to Kansas.

Dale Kidwell had a siege in the Wichita hospitals. Seems Dale gave birth to a kidney stone and had quite a time of it — some 30 days.

Henry Lampl got himself into the hospital again for a minor check-up. Last report I had was he was about due for his release and would be ready to return to his office soon.

Bill Attwater and P. K. Smith have bunked together at the Brown Building in Wichita.

Everett Steerman of Emporia was touring Wichita recently looking for a certain insurance company. When I saw him he was lost in the Bitting Building. Hope he got his bearings and eventually got straightened out.

Dick Fotzer has quit the Legal Department of the State Social Welfare Department and gone with the Attorney General's office in place of Lloyd Erickson, who went to Emporia to help out Clarence Beck. I understand Lee Stanford of Concordia has been offered the job vacated by Dick.

Charlie Hunt of Concordia was over in Beloit on business, so Frank Baldwin tells me. I don't know, but it could be that Charlie went down to see Ray Hamilton to placate him slightly on a recent Supreme Court decision that came down in favor of Hunt-Baldwin.

I had a nice visit with Lorn and Mrs. Weltmer of Mankato. Lorn has two boys in the service and one in K. U. The Mrs. hadn't a lot to do with the boys gone and helps Lorn out at the office as stenographer. Office help is hard to get these days. Judge Teeple has no help so Mrs. Teeple comes down and pinch hits for him — I had a good visit with both Teeples.

Frank Spurney of Belleville was out cutting oats the day I spent there, so I missed him. Bill Vance is still trying to find a young fellow to go into his office at Belleville. All you readers, take notice.

Several fellows have commented favorably on the few opinions handed down by the Supreme Court's youngest member. One lawyer told me he'd never had too high an opinion of Parker before, but that if he kept writing decisions of that caliber he'd have to change his mind. Glad to know he is doing a good job on the bench.

Shorty Osborne was buried July 8, the result of a heart attack. I was in Stockton around the 11th and saw Bob Osborne, who was there for the funeral. Bob and Wayne McCaslin were winding up the office affairs.

Clarence Paulsen, president of the Northwest Bar, said that as far as he knew there would be no Northwest Bar meeting this year.

Judge Casius M. Clark of Peabody has offered his resignation as judge of the Marion, Geary, and Dickinson Counties Judicial District, to be effective September 1. Andy Schoeppel has signified his willingness to appoint whomsoever the Bar of the district nominates. I understand a meeting was held recently and that the Bar decided on Jim Coleman of Junction City. Jim is now Probate Judge and he is resigning as of the same date. There appears some question yet as to who will succeed him as Probate Judge.

Judge Roy Smith of Salina lost his wife around the middle of June. The last time I saw Judge Smith he was considerably worried over his wife's condition. I know their many friends and members of the Bar extend sympathy.

Earl Clark, the genial and accommodating clerk of the Supreme Court, has had quite a siege in the hospital, but I understand he is now well on the road to recovery.

Mark Bennett of Topeka has had another go at the hospital. Seems Mark had some

sort of ailment necessitating a major operation. He expects to be home August 1.

Sullivan Lomax of Cherryvale is still confined to his home, and his office remains closed. His recovery has not been very rapid.

C. J. Taylor of Parsons lost his wife March 8, I believe. I saw Bill Studebaker, his son-in-law, in Independence not long ago and Bill told me of Mrs. Taylor's death. Bill graduated from Washburn but the advent didn't take and he is now in the insurance business.

Kirke Dale was a Kansas City visitor on July 22 (ration board, take note). I was in Ark City the day he spent here in my home town. Mrs. Schuyler Bloss spent the week end, along with the grandchildren, in Topeka — with the judge — on July 23.

Ray Pierson of Burlington gave me quite a talk on how to catch fish on trotlines — how to set the lines, how many fish it takes to feed the gang there each year, etc., etc. The whole talk sounded fishy to me, but I know Ray is up on his camp and fish lore.

Bill Cunningham Jr. of Ark City is at Ann Arbor taking the primary J.A.G.D. course.

W. S. Jinks of Ottawa died July 1 at around 82 years of age. His wife was in the hospital when he died, and she passed on a week later without ever becoming conscious or knowing he had predeceased her.

Art Hurd of Abilene died July 18 after a long, lingering heart ailment. Abilene will feel the loss of Art. He had been very active there over a long and useful life. When he died, Bruce Hurd, his brother, was in the Santa Fe Hospital with a stomach disorder and was unable to attend the funeral. I understand, however, that Bruce is coming along fine and will be out in a few days.

Bob Clark, the Bar Secretary, is in Minnesota with the family for a week or so. I didn't see Bob before he left. Joe Putt told me of his vacation.

Judge Grover Pierpont of Wichita takes the place of Judge Fischer of Kansas City, Kansas, on the Judicial Council. George Templar of Ark City goes on to succeed Bob Foulston of Wichita. Story is that after Sam Bartlett joined forces with Foulston's firm that both Bob and Sam felt two members of the council from the same firm didn't look right. Both tendered resignations, but only one was accepted, which one being left up to Bob and Sam. Don't know how they drew straws on it, but Sam stays on and Bob goes off.

Walt Stieger of Topeka, after getting into the navy, sailed an invasion barge from some Atlantic coast port, through the Panama Canal, and met a convoy somewhere at sea and went with them to a North Australian port. It is thought Port Darwin is the spot. They spent 6 to 8 weeks en route. After all that, when the barge reached the scene of action the Diesel engine went haywire. Walt, being in command, reported the trouble and an expert came in to check the motor. The expert checker turned out to be St. Elmo Else, Supreme Court reporter. Elmo is representing General Motors, wears a navy uniform, and operates the engines on invasion barges. Walt opines it is a damn small world. Wonder if Walt had forgotten to turn on the "ignition"?

Frank Ersch is now a major in the J. A. division, stationed at London, England. Frank didn't have much to say about the matter, but I know his friends will be glad to hear from him.

Bal Jeffery was home in Topeka for a few days on leave from some place or other, and then left for somewhere. Anyhow, he said "hello to everyone." Bal rates a captaincy in the J.A.G.D.

Clement Hall of Coffeyville was in K. C. for a few days around about August 1. I met him on one of the main streets.

I'm getting a lot of inquiries from the state for Income Tax stuff — I wonder if some of you lawyers don't overlook a chance to pick up a lot of 5 and 10 dollar bills for income tax advice? A good many of the boys made some money out of that this spring.

Just had a letter from John Buehler, former County Attorney in Atchison whom Uncle Sam now has in tow. John says he gets that nostalgic feeling occasionally.

Lew Gates of K. C., Kansas, spent some days in Chicago the middle of July.

Everett Scrivner seems to be the choice of the Convention as nominee for the place left vacant by the death of Judge Guyer on the Second Congressional District.

KANSAS STATE BAR ASSOCIATION COMMITTEES

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B. F. Bowers ..... Ottawa

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R. M. Emery, Jr. ..... Seneca
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A. N. Fromme ..... Hoxie
E. F. Beckner ..... Colby

V. E. Artley .....Russell Springs
Jesse I. Linder .....Gove
Paul W. Applegate .....Wakeeney
Clayton S. Flood .....Hays
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John Etling .....Kinsley
Richard W. Evans .....Dodge City
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Note:

*Designates Chairman of Legal Aid Committee. Those designated as chairmen have or will organize a committee of the local bar for the purpose of giving legal aid to the men in military service stationed at the army post, air base, or detachment located in or near their respective cities.

The Bar Association of the State of Kansas

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Allen, George S., Topeka
Allen, Harry K., Topeka
Allen, James A., Chanute
Allen, Otis S., Topeka
Allen, Robert, Chanute
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Anderson, Elmer, Clay Center
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Anderson, Hon. Wallace H., Iola
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Ball, Conrad L., Wichita
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Belt, Raymond, Coffeyville
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Bennett, R. H., Wichita
Benson, George J., Hon., El Dorado
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Blake, Earl, Wichita
Blake, Harold L., Wichita
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Blincoe, E. E., Fort Scott
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Butler, Henry L., Wichita

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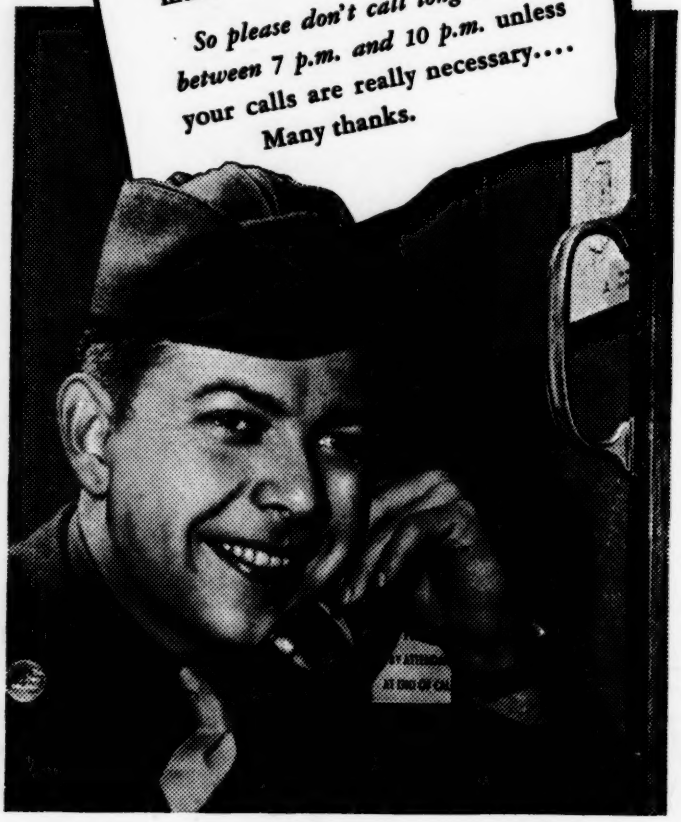

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